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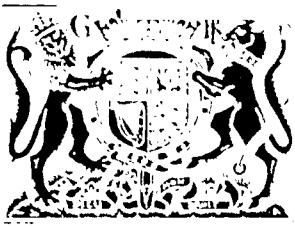

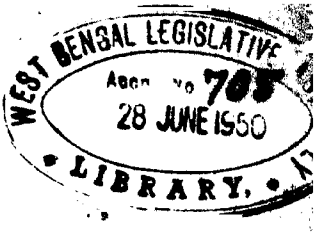

Council Proceedings

Official Report

Bengal Legislative Council

Twenty-Eighth Session, 1928

12th to 17th, 19th to 22nd, 26th to 28th
March, 1928

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Lt.-Col. the Right Hon'ble Sir FRANCIS STANLEY JACKSON, P.C., G.C.I.E.

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2. Land Acquisition.
3. Excluded Areas.
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5. Legislative.

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2. Immigration.
3. Jurisdiction.
4. Haj Pilgrimage.
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3. Police.
4. Ecclesiastical.
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MINISTERS.

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2. Agriculture and Industries (excluding Excise).
3. Public Works.

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2. Excise.
3. Registration.

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DEPUTY PRESIDENT.

Khan Bahadur Maulvi EMADUDDIN AHMED, B.L.

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2. Dr. Sir DEVA PROSAD SARBADHIKARI, Kt., C.I.E., C.B.E.
3. Mr. W. L. TRAVERS, C.I.E., O.B.E.
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Assistant Secretaries to the Council—A. M. HUTCHISON and K. N. MAJUMDAR.

Registrar to the Council—J. W. MCKAY.

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Abbott, Mr. E. G. (Indian Jute Mills Association).
Acharjya Chaudhuri, Maharaja Shashi Kanta, of Muktagacha, Mymensingh. (Dacca University.)
Afzal, Maulvi Syed Mahamud. [Bakarganj West (Muhammadan).]
Ahamad, Mauvi Asimuddin. [Tippera South (Muhammadan).]
Ahamad, Maulvi Kasiruddin. [Rangpur West (Muhammadan).]
*Ahmed, Khan Bahadur Maulvi Emaduddin. [Rajshahi South (Muhammadan).]
Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Ali, Mr. Altaf. [Bogra (Muhammadan).]
Atiqullah, Mr. Syed Muhammad. [Mymensingh East (Muhammadan).]

B

Bagchi, Babu Romes Chandra. [Malda (Non-Muhammadan).]
Baksh, Maulvi Kader, B.L. [Dinajpur (Muhammadan).]
Banerjea, Dr. Pramathanath. [Calcutta East (Non-Muhammadan).]
Banerjee, Babu Promotha Nath [Midnapore South (Non-Muhammadan).]
Banerjee, Mr. A. C. [Calcutta South Central (Non-Muhammadan).]
Bannerjee, Babu Jitendralal. [Birbhum (Non-Muhammadan).]
Barton, Mr. J. F. (Bengal Chamber of Commerce.)
Basu, Babu Sasi Sekhar. [24-Parganas Rural South (Non-Muhammadan).]
Basu, Mr. P. C. [Burdwan South (Non-Muhammadan).]
Basu, Mr. Sarat C. [Burdwan North (Non-Muhammadan).]
Biswas, Babu Surendra Nath. [Faridpur South (Non-Muhammadan).]
Bose, Babu Bejoy Krishna. [Calcutta South (Non-Muhammadan).]
Bose, Mr. S. C. (Calcutta University.)
Bose, Mr. Subhas Chandra. [Calcutta North (Non-Muhammadan).]

C

Cassells, Mr. A. (Nominated Official.)
Chakravarti, Babu Jogindra Chandra. [Dinajpur (Non-Muhammadan).]

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* Deputy President, Bengal Legislative Council.

Chakravarti, Mr. Byomkes. (Bengal National Chamber of Commerce.)
Chakraburtty, Babu Jatindra Nath. [Rangpur East (Non-Muhammadan).]
Chatterjee, Srijut Bijay Kumar. [Bankura West (Non-Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman. (Nominated Non-official.)
Chaudhuri, Rai Harendranath. [24-Parganas Rural North (Non-Muhammadan).]
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, C.I.E., of Dhanbari. (Member, Executive Council.)
Choudhury, Maulvi Gholam Mawla. [Faridpur South (Muhammadan).]
Choudhury, Maulvi Khorshed Alam. [Bakarganj North (Muhammadan).]
Cohen, Mr. D. J. (Nominated Non-official.)

D

Das Gupta, Dr. J. M. [Calcutta Central (Non-Muhammadan).]
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Datta, Babu Amulya Chandra. [Hooghly Municipal (Non-Muhammadan).]
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Dowding Mr. T. W. (Indian Mining Association.)
Drummond, Mr. J. G. (Nominated Official.)
Dutt, Babu Saral Kumar. [Bakarganj North (Non-Muhammadan).]
Dutt, Mr. G. S. (Nominated Official.)

E

Eddis, Mr. A. McD. (Bengal Chamber of Commerce.)

F

Faroqui, Khan Bahadur K. G. M. [Tippera North (Muhammadan).]
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]

G

Ganguly, Babu Khagendra Nath. [Howrah Municipal (Non-Muhammadan).]
Ghose, Babu Amarendra Nath. [Mymensingh West (Non-Muhammadan).]
Ghose, Mr. M. C. (Nominated Official.)

Ghosh Maulik, Babu Satyendra Chandra. [Noakhali (Non-Muhammadan).]
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan. [Mymensingh South-West (Muhammadan).]
Goenka, Rai Bahadur Badridas. (Bengal Marwari Association.)
Gofran, Maulvi Abdul. [Noakhali West (Muhammadan).]
Guha, Mr. P. N. (Nominated Non-official.)
Gupta, Mr. Jogesh Chandra. [Dacca City (Non-Muhammadan).]

H

Habibulla, Nawab Khwaja. [Dacca City (Muhammadan).]
Haque, Khan Bahadur Maulvi Azizul. [Nadia (Muhammadan).]
Himatsingka, Babu Prabhu Doyal. [Calcutta West (Non-Muhammadan).]
Hoque, Kazi Emdadul. [Rangpur East (Muhammadan).]
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur. (Minister.) [Malda *cum* Jalpaiguri (Muhammadan).]
Husain, Maulvi Latafat. (Nominated Non-official.)
Husain, Khan Bahadur Maulvi Syed Maqbul. [Chittagong North (Muhammadan).]
Huq, Khan Bahadur Maulvi Ekramul. [Murshidabad (Muhammadan).]

I

Ismail, Khan Bahadur Maulvi Muhammad. [Mymensingh Central (Muhammadan).]

J

James, Mr. F. E., O.B.E. [Presidency and Burdwan (European).]

K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan.)]
Khan, Babu Debendra Lal. [Midnapore North (Non-Muhammadan).]
Khan Chaudhuri, Mr. M. Ashraf Ali. [Rajshahi North (Muhammadan).]
Khan, Khan Sahib Maulvi Muazzam Ali. [Pabna (Muhammadan).]
Khan, Maulvi Tamizuddin. [Faridpur North (Muhammadan).]
Khan, Mr. Razaur Rahman. [Dacca East Rural (Muhammadan).]

L

Lahiri, Mr. Basanta Kumar. [Nadia (Non-Muhammadan).]
Lala, Babu Saroda Kripa. (Chittagong Landholders.)
Lindsay, Mr. J. H. (Nominated Official.)
Luke, Mr. N. R. (Indian Jute Mills Association).

M

Macartney, Mr. J. G. [Dacca and Chittagong (European).]
MacBean, Mr. J. A. (Indian Tea Association.)
MacDonald, Mr. A. (Nominated official.)
Maguire, Mr. L. T. (Anglo-Indian.)
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Marr, the Hon'ble Mr. A., C.I.E. (Member, Executive Council.)
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McCluskie, Mr. E. T. (Anglo-Indian.)
Mitter, the Hon'ble Sir Provash Chunder, Kt., C.I.E. (Minister.) (Presidency Landholders.)
Mobarly, the Hon'ble Mr. A. N., C.I.E. (Member, Executive Council).]
Moitra, Srijut Jogendra Nath. [Bogra *cum* Pabna (Non-Muhammadan).]
Morgan, Mr. G., C.I.E. (Bengal Chamber of Commerce.)
Mukerjea, Srijut Taraknath. [Hooghly Rural (Non-Muhammadan).]
Mukerji, Mr. S. C. (Nominated Non-official.)

N

Nandy, Maharaj Kumar Sris Chandra. [Murshidabad (Non-Muhammadan).]
Nasker, Babu Hem Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Nasimuddin, Mr. Khwaja, C.I.E. [Bakarganj South (Muhammadan).]
Nelson, Mr. W. H. (Nominated Official.)

P

Parrott, Mr. Percy. (Bengal Chamber of Commerce.)
Phelps, Mr. Trevor J. (Calcutta Trades Association.)
Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Prentice, Mr. W. D. R., C.I.E. (Nominated Official.)

R

Rahim, Sir Abd-ur, K.C.S.I. [Calcutta North (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan).]
Rahman, Maulvi Shamsur. [Khulna (Muhammadan).]
Rahman, Mr. A. F. (Nominated Non-official.)
Rahman, Mr. A. F. M. Abdur. [24-Parganas Rural (Muhammadan).]
Raikat, Mr. Prasanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rauf, Maulvi Syed Abdur. [Jessore North (Muhammadan).]
Ray, Babu Nagendra Narayan. [Rangpur West (Non-Muhammadan).]
Ray, Babu Radha Gobinda. [Bankura East (Non-Muhammadan).]
Ray, Babu Surendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Ray, Dr. Kumud Sankar. [Faridpur North (Non-Muhammadan).]
Ray, Maharaja Jogindra Nath, of Nator. (Rajshahi Landholders.)
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia. (Member, Executive Council.)
Ray Chaudhuri, Mr. K. C. (Nominated Non-official.)
*Ray Chaudhuri, the Hon'ble Raja Manmatha Nath, of Santosh. (Dacca Landholders.)
Reid, Mr. R. N. (Nominated Official.)
Roy, Babu Manmatha Nath. [Howrah Rural (Non-Muhammadan).]
Roy, Dr. Bidhan Chandra. [24-Parganas Municipal North (Non-Muhammadan).]
Roy, Mr. Bijoy Prasad Singh. (Nominated Non-official.)
Roy, Mr. D. N., Bar.-at-Law. [Jessore South (Non-Muhammadan).]
Roy, Mr. Kiran Sankar. [Dacca Rural (Non-Muhammadan).]
Roy Choudhuri, Rai Bahadur Satyendra Nath. [Bakarganj South (Non-Muhammadan).]

S

Sachse, Mr. F. A. (Nominated Official.)
Sanyal, Babu Sachindra Narayan. [Rajshahi (Non-Muhammadan).]

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* President of the Bengal Legislative Council.

Sarbadhikari, Dr. Sir Deva Prosad, Kt., C.I.E., C.B.E. (Nominated Non-official.)
Sarker, Babu Naliniranjan. [Mymensingh East (Non-Muhammadan).]
Sarker, Rai Sahib Rebati Mohan. (Nominated Non-official.)
Sattar, Khan Sahib Abdus. [Chittagong South (Muhammadan).]
Sattar, Mr. Abdool Razak Hajee Abdool. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Sen, Mr. Satish Chandra. (Bengal National Chamber of Commerce.)
Sen, Srijut Nagendra Nath. [Khulna (Non-Muhammadan).]
Sen Gupta, Mr. J. M. [Chittagong (Non-Muhammadan).]
Shah, Mr. Gholam Hossain. [24-Parganas Municipal (Muhammadan).]
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. (Burdwan Landholders.)
Skinner, Mr. S. A. (Bengal Chamber of Commerce.)
Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]
Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]

T

Tate, Major-General Godfrey, M.B., V.H.S., I.M.S. (Nominated Official.)
Thompson, Mr. W. H. (Bengal Chamber of Commerce.)
Travers, Mr. W. L., C.I.E., O.B.E. [Rajshahi (European).]

W

Wordsworth, Mr. W. C. [Presidency and Burdwan (European).]

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Twenty-eighth Session.)

VOLUME XXVIII—No. 3.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 12th March, 1928, at 2-30 P.M.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers and 118 nominated and elected members.

Oath or Affirmation.

The following members made an oath or affirmation of their allegiance to the Crown:—

Mr. A. MACDONALD.

Mr. E. G. ABBOTT.

Mr. N. R. LUKE.

Obituary references.

Mr. PRESIDENT (the Hon'ble Raja Manmatha Nath Ray Chaudhuri, of Santosh): Gentlemen of the Council, it is my sad duty to bring to your notice the death of the late Satyendra Prasanna, Baron Sinha of Raipur, P.C., K.C., K.C.S.I., who was a member of this Council in the years 1906, 1908 and 1909 and again from the year 1913 to 1916 and was a member of the Executive Council of His Excellency the Governor of Bengal in the year 1917 and 1918.

Lord Sinha was entirely a self-made man; his life, in fact, was a glorious example of what self-help can achieve. He rose to the topmost rung of the ladder, not accidentally, not all at once, but step by step, toiling all the time very hard as an earnest worker, with absolute faith in his destiny. His beginning, like all beginnings, was extremely difficult and he had to struggle and struggle unceasingly to overcome the numerous impediments which lay in his path. Nothing succeeds like success, and once he was able to clear his way before him of all obstacles, he succeeded by sheer dint of his merit to lay the foundation of a remarkable career of uninterrupted success. He rapidly rose to fame, and as he ascended higher and higher, his versatile genius, virile intellect and wonderful talents came into greater and greater play every day, and ultimately led him to a position which in respect of an Indian was really unique in the annals of India under British rule. He was the first Indian Advocate-General of Bengal, first Indian Member of the Viceroy's Executive Council, first Indian King's Counsel, first Indian Under-Secretary of State for India, first Indian Peer of the Realm, and first Indian Provincial Governor in British India. Two years ago he was given a seat in the Judicial Committee of the Privy Council, a position which, as you all know, he filled with conspicuous ability. His own countrymen, on the other hand, conferred upon him the highest honour in their gift by electing him as the President of the Indian National Congress in the year 1915. In spite of the glory and glamour of these high and exalted offices, Lord Sinha continued to be remarkable for his unfailing courtesy and innate modesty. Power and position never intoxicated him, and till the last day of his life, he continued to do his duty as quietly and as selflessly as was humanely possible. The dignity of his character was always greater than the dignity of his position, and the greatness of his soul invariably proved to be greater than the greatness of his office. He left his stamp on all works with which he was entrusted, and the eminent services which he rendered, in India and England, to secure for his country the first instalment of Reforms, leading to self-Government for India, within the British Empire, in the fullness of time, earned for him everlasting fame and should cover his name with imperishable glory for all time to come. He really made history when in 1917 and 1918 he, as an Indian, took part, with consummate skill and statesmanship, in the memorable deliberations of the war Conference and War Cabinet, which prepared the ground for the foundation of international peace and liberty.

India is poorer to-day without a patriot, a public servant and a statesman of Lord Sinha's outstanding personality, and now that he is no more with us, it is clearly our duty to keep alive in our midst his memory and examples so that we may draw inspirations from them in moments of doubt and difficulty. It is clearly our duty to associate

ourselves as intimately as we can with his life's glorious works. It is clearly our duty to assimilate into our every-day-existence, the essons of his life, so that we may be able to set our helm on the right course, and may not wander away from the proper path of duty and sacrifice.

I propose to convey to the relatives of the late Baron Sinha of Raipur the Council's deep sense of sympathy, in the sad loss they have sustained. I would ask you, gentlemen, to show your respect to the memory of the late Lord Sinha by kindly rising in your places.

(All the members then rose in their places.)

Mr. PRESIDENT. Thank you gentlemen. The Secretary will kindly take the usual action.

Mr. PRESIDENT: Gentlemen, we have also to mourn the loss of another distinguished Bengali Mr. Gyanendra Nath Roy, whose untimely death occurred only yesterday. He was only 53 years of age. Mr. Roy filled with distinction many high offices, and was to have occupied a seat on the Bench of the Calcutta High Court when he fell ill. He was a member of this Council from the 15th November, 1922, to April 1923; he was also a member of the old Council during the years 1919 and 1920. The late Mr. Roy was a man of high intelligence with a great regard for duty. We also knew him as a courteous and kindly gentleman with a winning personality. He leaves many friends to mourn his loss, and Bengal is poorer to-day by his death. I propose to convey to the relatives of the late Mr. Roy, the Council's deep sense of sympathy in the sad loss they have sustained. I would ask you, gentlemen to show your respect to the memory of the late Mr. Roy by kindly rising in your places.

(All the members then rose in their places.)

Mr. PRESIDENT: Thank you, gentlemen. The Secretary will kindly take the usual action.

Starred Questions.

(to which oral answers were given).

Agricultural demonstration works.

*76. **Maulvi KASIRUDDIN AHAMAD:** (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table a statement showing—

(i) the total expenditure incurred by the Government in the Department of Agriculture for the last three years:

(*ii*) [illegible] in lieu of the said expenditure; and

(*iii*) the benefit derived by the agriculturists of the different districts of the province?

(*b*) Is it a fact that some agricultural demonstrators have been posted in some of the headquarters and subdivisional stations with jurisdiction of five miles only?

(*c*) Will the Hon'ble Minister be pleased to state what facilities are given to them for the discharge of the demonstration works within their respective jurisdictions?

(*d*) Is it under the contemplation of the Government to place one demonstrator at the headquarters of each thana and to allot to each demonstrator a plot of land wherein he may grow different crops growing within each subdivision and thereby show higher outturn obtained by scientific means and demonstrate the results to the people?

(MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES the Hon'ble Sir Provash Chunder Mitter): (*a*) (*i*) The total expenditure by the Agriculture Department for the last 3 years is as follows: 1924-25, Rs. 8,21,142; 1925-26, Rs. 8,69,855; 1926-27, Rs. 10,00,508.

(*ii*) and (*iii*) The member is referred to the Annual Reports of the Agriculture Department.

(*b*) Yes.

(*c*) Demonstrators are provided with such seeds, manures and implements as are required for the programme of demonstration drawn up for the area they supervise. Seeds and manures are supplied free to such selected cultivators as agree to undertake demonstrations and improved implements are demonstrated on their land.

(*d*) The policy as regards demonstrators is under the consideration of Government.

Maulvi KASIRUDDIN AHAMAD: Will the Hon'ble Minister be pleased to state with regard to answer (*d*) how long this matter has been under the consideration of Government?

The Hon'ble Sir PROVASH CHUNDER MITTER: For only a few weeks.

Mr. JOGESH CHANDRA GUPTA: Are we to understand that when these demonstrators were appointed, Government had no policy with regard to their work?

The Hon'ble Sir PROVASH CHUNDER MITTER: Is that a question, Sir, for eliciting information? If so, I will answer it.

Mr. PRESIDENT: Sir Provash, you can answer it if you like.

The Hon'ble Sir PROVASH CHUNDER MITTER: That was done before my time, but so far as I am aware, there was a policy behind it.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state what that policy was?

The Hon'ble Sir PROVASH CHUNDER MITTER. I want notice of that.

Co-operative Societies, defalcation cases in connection therewith.

*71. **Babu JITENDRALAL BANNERJEE:** Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table a statement showing—

(*i*) the number of defalcation cases in connection with the Co-operative Societies of Bengal that have occurred between the years 1914 and 1927;

(*ii*) the amount involved in each case;

(*iii*) the Registrars during whose incumbency of office such cases have occurred;

(*iv*) what steps, if any, the Government have taken in connection with such cases; and

(*v*) what has been the total expenditure of the Government in connection with the same?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*i*), (*ii*) and (*iii*) No record is maintained in the department of the number of these cases or of the amounts involved and as these cases mostly occur in village societies they are dealt with by the Directors of the Central Bank concerned. To compile a statement of such cases would involve an amount of labour incommensurate with the results to be achieved.

(*iv*) It is the business of the Directors of the Society concerned or of the Directors of the Central Bank, as the case may be, to deal with such cases.

(*v*) Government have incurred no special expenditure in connection with these cases.

12-45 P.M.

Babu JITENDRALAL BANNERJEE: Can the Hon'ble Minister inform me as to whether the majority of these defalcation cases have or have not occurred during the incumbency of the present Registrar?

The Hon'ble Sir PROVASH CHUNDER MITTER: At present I have no information, but if the member so desires, I will give him the information later on. I ask for notice of this.

Babu JITENDRALAL BANNERJEE: As regards the answer to clause (v), what does the Hon'ble Minister mean by "special expenditure"?

The Hon'ble Sir PROVASH CHUNDER MITTER: So far as I remember there has been no expenditure beyond the travelling expenses of our officers, but barring that there has been no other expenditure that I am aware of.

Babu JITENDRALAL BANNERJEE: Does the Hon'ble Minister mean that some expenditure has been incurred by Government?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have already answered that, and my answer is that except expenditure on travelling allowances of our officers, no other expenditure so far as we are aware, was incurred by Government.

Registrar of Co-operative Societies.

*72. **Babu JITENDRALAL BANNERJEE:** Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether it is a fact that the continuance of the present incumbent in the office of the Registrar of Co-operative Societies has caused discontent in the Provincial Executive Service and created a block in promotion?

(MEMBER in charge of APPOINTMENT DEPARTMENT the Hon'ble Mr. A. N. Moberly): Government are not aware that any discontent has been caused. It is not a fact that a block in promotion has been created.

Maulvi ABDUL KARIM: If there is no discontent, is there any rule for the transfer of such officers periodically?

The Hon'ble Mr. A. N. MOBERLY: No.

Agriculture training to the teachers of selected high schools.

***73. Babu JITENDRALAL BANNERJEE:** (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to state whether, in pursuance of the recent scheme of the Education Department to give agricultural training to the teachers of selected high schools, a teacher has been selected for the purpose of receiving such training from Sultanpore Sriram School in the Birbhum district?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the number of Government aided high schools in the Birbhum district;

(*ii*) their respective dates of affiliation;

(*iii*) the numerical strength of each institution; and

(*iv*) the amount of grant received by each?

(*c*) Is it a fact that many among these institutions are situated in rural areas where there are facilities of imparting practical agricultural training?

(*d*) Is there any special reason why preference was given to the Sultanpore Sriram School in the matter of selecting a teacher for receiving agricultural training?

(MINISTER in charge of DEPARTMENT of EDUCATION the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): (*a*) Yes.

(*b*) A statement is laid on the table.

(*c*) Schools other than Nos. 6, 7 and 9 are in rural areas. But Government have no information if they have adequate land and qualified staff and are willing to introduce the scheme sanctioned in Government order No. 4839 Edn., dated 19th December, 1927, a copy of which is laid on the Library table.

(*d*) Yes, as the school had made necessary arrangements for the introduction of the scheme and fulfilled the conditions laid down in paragraph 4 of the Government order referred to above. The school was specially recommended by the Director of Agriculture and it is one of the 15 schools from which teachers have been selected this year.

Statement referred to in the reply to clause (b) of starred question No. 73.

Serial No.	Names of Government aided high English schools in Birbhum district.	Year or date of first recognition.	Numerical strength.	Amount of grant received.
1	Kundala High School	1st January 1919.	133	Rs. 100 a month.
2	Mitrabhum High School.	1st January 1921.	147	Rs. 150 a month (Rs. 70 for vocational class).
3	Labpur High School	1901 ..	248	Rs. 140 a month.
4	Natrakunda High School.	September 1903	237	Rs. 130 a month.
5	Nalhati High School	1st January 1918.	319	Rs. 150 a month *plus* Rs. 50 additional grant
6	Rampurhat Union High School.	1st January 1919.	343	Rs. 150 a month.
7	Suri B. M. Institution	1st January 1918.	283	Rs. 175 a month.
8	Sultanpur Sriram High School.	1st January 1927.	149	Rs. 250 a month
9	Rampurhat High School.	1888 ..	260	Rs 150 a month *plus* Rs. 8 per month as capitation grant.
10	Bolpur high schools (Old Bandgora High School).	1895 ..	384	Rs. 100 a month.
11	Kirnahar High School	1897 ..	237	Rs. 100 a month *plus* Rs. 25 as additional grant for one year.

Babu JITENDRALAL BANNERJEE: As regards the statement laid by him on the table, will the Hon'ble Minister be pleased to state to what particular year it refers?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: The year ending March, 1927.

Babu JITENDRALAL BANNERJEE: As regards the other schools mentioned in the statement, will the Hon'ble Minister be pleased to inform us as to whether they have been circularised with a view to elicit the information referred to?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I want notice of this.

Reconstitution of the managing committee of an aided high English school.

*74. **Kazi EMDADUL HOQUE:** (*a*) With reference to the reply to the supplementary question by Babu Jitendralal Bannerjee to starred question No. 7 of the 23rd August, 1927, will the Hon'ble Minister in charge of the Department of Education be pleased to state what procedure will be followed for the reconstitution of the managing committee of an aided high English school on its dissolution?

(*b*) Is the Hon'ble Minister aware that the local public have little information about the procedure and have to experience difficulties in matters of reconstitution of managing committees of aided schools?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps have been taken to meet the difficulties?

(*d*) If no steps have been taken, will the Hon'ble Minister be pleased to state whether it is the intention of Government to publish such procedure for general information or to include it in the grant-in-aid rules?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: (*a*) The procedure to be followed is in terms of the rules of business adopted by the retiring committee with the approval of the District Magistrate as required under Rule 11, Section III of grant-in-aid rules for schools (copy placed on the Library table). Ordinarily the secretary of the retiring managing committee takes necessary steps for the reconstitution of the committee.

(*b*) and (*c*) The teachers, the parents, the guardians of the pupils, and the founders or benefactors of the school are chiefly concerned in the matter (Rule 2, Section III of the grant-in-aid rules for schools), and they are duly notified for the election of their representatives.

(*d*) The rules are at present under revision. The revised rules will contain clearer instructions.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state how long these rules have been under revision, and when we can expect the revised rules to be published?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: The rules will be revised as early as possible.

Mr. JOGESH CHANDRA GUPTA: Had any local body been consulted before these rules were framed?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I want notice of this question.

Maulvi ABDUL KARIM: When the retiring Secretary of a managing committee does not take the necessary steps for the formation of the committee, what is the procedure followed?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Such cases have never occurred.

Managing committees of aided high English schools.

*75. **Kazi EMDADUL HOQUE:** (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to state—

(*i*) what is the procedure to be followed for the dissolution of managing committees of aided high English schools after their normal life of three years; and

(*ii*) who will declare the dissolution of managing committees of aided high English schools?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) whether the retiring managing committee will have any hand in prescribing any lines of procedure for the election or nomination of members of the committee to be reconstituted; and

(*ii*) have the Government considered the possibility that the retiring managing committee may handicap by resolutions the reconstitution of the committee?

(*c*) Will the Hon'ble Minister be pleased to state who will nominate a member of the next committee?

(*d*) Will the Hon'ble Minister be pleased to state what is the procedure to be followed for the election of a Muhammadan member as 'Muhammadan guardians' representative?

(*e*) Will the Hon'ble Minister be pleased to state whether it is a fact that a teacher of an aided high English school is ineligible for election as a guardians' representative on the managing committee of the school even though elected by the public?

(*f*) Is it a fact that teachers of two or three sister schools lying within a radius of 12 or 15 miles of a locality can be elected or nominated as members of the committee of an aided high English school?

(*g*) If the answer to (*f*) is in the affirmative, have the Government considered the possibility of the over-representation of teachers on a committee?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: (*a*) (*i*) The member is referred to the answer to clause (*a*) of the previous question asked by him at this meeting.

(*ii*) The managing committee is automatically dissolved on the expiry of its term unless the term is extended by the department for any special reasons.

(*b*) (*i*) That depends on the rules of business adopted by the committee with the approval of the District Magistrate.

(*ii*) Government are not aware of any practical difficulty in the operation of the existing rules. The provision in Rule 3, Section III, that "the constitution of the committee, and the election of the president and the secretary shall be subject to the approval of the District Magistrate" seems a sufficient safeguard.

(*c*) The teachers' representative is to be nominated by the staff and the representative of the founders or benefactors of the school by the founders' or benefactors' families (*vide* Rule 2, Section III of the grant-in-aid rules for schools).

(*d*) The grant-in-aid rules for schools do not provide for guardians' representative on the committee on communal basis, but the department ordinarily insist on adequate Muhammadan representation on committees in schools where there is a fairly large number of Muhammadan pupils.

(*e*) The rules do not make him ineligible.

(*f*) There is no provision in the rules to make such an election or nomination void.

(*g*) Over-representation of the teachers of a school on its committee is not approved.

The point has not been raised before.

Babu JITENDRALAL BANNERJEE: Before I put a supplementary question, Sir, I want to know one thing. When the answer given has no bearing on the question, how am I to call the Hon'ble Minister's attention to it? Here is the answer to (*g*) which does not cover the points raised in the question.

Mr. PRESIDENT: Your remedy lies in asking another question to clear the point.

Babu JITENDRALAL BANNERJEE: My question is will the Hon'ble Minister clear up the answer he has given to question (*g*)?

Mr. PRESIDENT: That is not a question. If you want to ask anything, you must state it definitely and put it in the shape of a question.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Minister be pleased to state whether Government approves of the over-reprsentation of teachers not for a particular school, but as teachers in a body?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: No.

Srijut NAGENDRA NATH SEN: What is the remedy in regard to the answer to question (*b*) (*ii*) if the District Magistrate disapproves?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: A fresh election takes place.

Mr. S. C. BOSE: Will the Hon'ble Minister be pleased to state what are the "special reasons" referred to by him in answer to question (*a*) (*ii*)?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I want notice of this question.

Mr. S. C. BOSE: Will the Hon'ble Minister be pleased to state which is the department referred to in the answer to question (*a*) (*ii*)?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Education Department.

Mr. S. C. BOSE: Will the Hon'ble Minister be pleased to state whether the question of the extension of the term of managing committees is a matter which comes before the Minister for Education, or is dealt with by the Inspector of Schools of the district concerned?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: It goes to the Inspector of Schools, and not to the Minister.

Mr. S. C. BOSE: Will the Hon'ble Minister be pleased to state whether the decision of the Inspector of Schools of the district is final?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Not necessarily.

Unstarred Questions

(answers to which were laid on the table).

Middle schools and Inspection Circles.

66. Babu SASI SEKHAR BASU: Will the Hon'ble Minister in charge of the Department of Education be pleased to lay on the table a statement showing—

(*i*) the number of middle schools, recognised and unrecognised, existing at present in each district separately; and

(*ii*) the names of circles of each Subdivisional Inspector of Schools with the number of middle schools (recognised and unrecognised) separately?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: (*i*) and (*ii*) Statements containing the information required are placed on the table.

1.—Statement referred to in the reply to clause (i) of unstarred question No. 66, showing the number of middle schools, recognised and unrecognised, existing in each district within the jurisdiction of—

District.	Number of recognised middle schools.	Number of unrecognised middle schools.
(A)—The Presidency Division.		
Calcutta	... 16	1
24-Parganas	... 87	3
Nadia	... 54	3
Murshidabad	... 42	4
Jessore	. 52	...
Khulna	... 68	1
(B)—The Burdwan Division.		
Burdwan	... 99	10
Birbhum	... 48	6
Bankura	.. 55	..
Midnapore	... 89	3
Hooghly	... 44	5
Howrah	... 40	...
(C)—The Dacca Division.		
Dacca	... 73	34
Mymensingh	... 93	31
Faridpur	... 68	21
Bakarganj	... 57	27

District.	Number of recognised middle schools.	Number of unrecognised middle schools.
(D)—The Chittagong Division.		
Tippera	... 75	60
Noakhali	... 58	10
Chittagong	... 56	4
Chittagong Hill Tracts	.. 2	...
(E)—The Rajshahi Division.		
Rajshahi	... 48	2
Dinajpur	... 42	4
Jalpaiguri	... 19	1
Rangpur	... 74	...
Bogra	... 30	6
Pabna	... 44	9
Malda	... 30	2
Darjeeling	... 8	...

11.—Statement referred to in the reply to clause (ii) of unstarred question No. 66, showing the names of circles of each Subdivisional Inspector of Schools with the number of middle schools (recognised and unrecognised) in—

(A)—The Presidency Division.

District.	Names of circles of each Subdivisional Inspector of Schools.	Number of recognised middle schools.	Number of unrecognised middle schools.
Calcutta ..	Calcutta	16	1
24-Parganas ..	Sadar (24-Parganas) and Barrackpore subdivisions.	36	1
	Basirhat (24-Parganas) and Baraset subdivisions.	30	1
	Diamond Harbour subdivision (24-Parganas).	21	1
Nadia ..	Krishnagar, Ranaghat and Chuadanga subdivisions	18	2
	Kushtea and Meherpur subdivisions	36	1
Murshidabad ..	Lalbagh, Jangipur, Berhampore and Kandi subdivisions.	42	4
Jessore ..	Narail and Magura subdivisions ..	22	....
	Jessore, Sadar, Bongaon and Jhenidah subdivisions.	30	....
Khulna ..	Bagerhat and North Sadar subdivisions, Khulna.	30	....
	Satkhira and South-Sadar subdivisions, Khulna.	38	1

(B)—The Burdwan Division.

District.	Names of circles of each Subdivisional Inspector of Schools.	Number of recognised middle schools.	Number of unrecognised middle schools.
Burdwan ..	Sadar	41	6
	Katwa	33	4
	Kalna	25	....
Birbhum ..	Sadar	24	3
	Rampurhat	24	3
Midnapore ..	Sadar	20	....
	Jhargram	8	....
	Ghatal	7	....
	Tamluk	33	....
	Contai	21	3
Hooghly ..	Sadar	27	....
	Serampore	17	5
Howrah ..	Sadar	20	....
	Uluberia	20	....
Bankura ..	Sadar	34	....
	Vishnupur	21	...

(C)—The Dacca Division.

District.	Names of circles of each Subdivisional Inspector of Schools.	Number of recognised middle schools.	Number of unrecognised middle schools.
Dacca ..	Dacca Sadar subdivision ..	28	6
	Narayanganj subdivision ..	29	7
	Munshiganj subdivision ..	6	8
	Manikganj subdivision	10	13
Mymensingh ..	Mymensingh Sadar subdivision ..	20	8
	Tangail subdivision	24	7
	Jamalpur subdivision	19	5
	Netrakona subdivision	9	10
	Kishoreganj subdivision ..	21	1
Faridpur ..	Goalunda subdivision	16	8
	Madaripur subdivision	27	7
Bakarganj ..	Barisal Sadar subdivision ..	31	13
	Perojpur subdivision	13	9
	Patuakhali subdivision	13	5

(D)—The Chittagong Division.

District.	Names of circles of each Subdivisional Inspector of Schools.	Number of recognised middle schools.	Number of unrecognised middle schools.
Tippera ..	Comilla	29	26
	Brahmanbaria	18	16
	Chandpur	28	18
Noakhali ..	Noakhali Sadar	39	6
	Feni	19	4
Chittagong ..	Chittagong Sadar	51	3
	Cox's Bazar	5	1

(E)—The Rajshahi Division.

District.	Names of circles of each Subdivisional Inspector of Schools.	Number of recognised middle schools.	Number of unrecognised middle schools.
Rajshahi ..	Sadar	28	1
	Naogaon	20	1
Dinajpur ..	Sadar	28	2
	Thakurgaon .. .	14	2
Jalpaiguri ..	Sadar	19	1
Rangpur ..	Sadar	23	....
	Kurigram	13	....
	Nilphamari	13	....
	Gaibandha	25	....
Bogra ..	Sadar	30	6
Pabna ..	Sadar	21	7
	Serajganj	23	2
Malda ..	Sadar	30	2

Leakage of official reports.

67. Mr. D. J. COHEN: (*a*) Has the attention of the Hon'ble Member in charge of the Political Department been drawn to the frequent leakage of official reports before they are issued to the Press, of which the publication by a Calcutta newspaper of the report of the Opium Committee is the latest instance?

(*b*) Will the Hon'ble Member be pleased to state whether any steps are contemplated to prevent the premature publication of confidential documents?

(MEMBER in charge of POLITICAL DEPARTMENT the Hon'ble Mr. A. N. Moberly): (*a*) Leakages have happened occasionally, but it cannot be said that they are of frequent occurrence.

(*b*) All possible precautions are taken to prevent the premature publication of confidential documents.

Mortality in parts of Murshidabad and the stagnation of the waters of the Chota Bhairab.

68. Khan Bahadur Maulvi EKRAMUL HUQ: Will the Hon'ble Minister in charge of the Department of Local Self-Government (Public Health) be pleased to state:—

(*a*) Is it not a fact that the villages situated on the banks of the Chota Bhairab suffer from malaria and other epidemic diseases throughout the year?

(*b*) Is it not a fact that the stagnant pool of water of the Chota Bhairab is one of the main causes of malaria and other epidemics prevailing in those parts of thanas Daulatabad and Hariharpara, adjoining the river?

(*c*) Will the Hon'ble Minister be pleased to lay on the table a statement showing for the years 1924, 1925 and 1926—

(*1*) the number of deaths from (*i*) malaria, (*ii*) kala-azar, (*iii*) cholera, (*iv*) small-pox, and

(*2*) total number of deaths from all causes, in the district of Murshidabad?

(*d*) Will the Hon'ble Minister be pleased to state whether it is a fact that cholera and small-pox are still in existence in various parts of the Murshidabad district?

(*e*) Is it a fact that the Berhampore Municipality was visited by cholera several times during 1927?

(*f*) Is it a fact that there were cases of cholera within the Berhampore Municipality in the beginning of the year 1928?

(MINISTER in charge of DEPARTMENT of SELF-GOVERNMENT (PUBLIC HEALTH) the Hon'ble Sir Provash Chunder Mitter: (a) Villages situated on the moribund channel of the Bhairab in Murshidabad district do suffer severely from malaria and other diseases, at the seasons when these epidemics prevail.

(*b*) There are grounds for believing that the lack of a healthy flow of water in the Bhairab is one of the main causes of the unhealthiness of the areas bordering on that river.

(*c*) A statement is laid on the table.

(*d*) Cholera and small-pox are still occurring in various parts of the Murshidabad district.

(*e*) and (*f*) Yes.

Statement referred to in the reply to clause (c) of unstarred question No. 68, showing the mortality from certain diseases in the district of Murshidabad for the years 1924, 1925 and 1926.

Years.	Malaria.	Kala-azar.	Cholera.	Small-pox.	Total deaths from all causes.
1924 ..	21,594	20	983	28	33,905
1925 ..	26,425	23	546	355	39,076
1926 ..	28,228	37	1,786	2,720	43,627

Khan Bahadur Maulvi EKRAMUL HUQ: Will the Hon'ble Minister be pleased to state what steps, if any, Government propose to take in the matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: Up till now no definite steps have been possible, because I took charge of my office after the preliminary Budget was framed, but I propose to take steps in the matter when I prepare the next budget.

Khan Bahadur Maulvi EKRAMUL HUQ: Will the Hon'ble Minister be pleased to state whether the Irrigation Department has made any inquiries in the matter of this moribund channel?

The Hon'ble Sir PROVASH CHUNDER MITTER: As I do not hold charge of the Irrigation Department, I am unable to enlighten the hon'ble member.

Amount spent for the Calcutta and Bengal Police.

69. Maulvi ABUL KASEM: Will the Hon'ble Member in charge of the Police Department be pleased to lay a statement on the table

showing for the years 1913-14 and 1926-27, respectively, the amount spent separately for the Calcutta Police and Bengal Police on account of—

(*i*) recurring charges, and

(*ii*) capital charges?

(MEMBER in charge of POLICE DEPARTMENT the Hon'ble Mr. A. N. Moberly): A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 69.

	Calcutta Police.		Bengal Police.	
	1913-14.	1926-27.	1913-14.	1926-27.
	Rs.	Rs.	Rs.	Rs.
Recurring charges under "28—Police."	15,95,085	34,58,031	78,70,715	1,52,70,037
Capital charges under "41—Civil Works."	1,54,403	6,43,876 (a)	9,14,540	2,28,086

(a) Including Rs. 5,85,456 under "60—Civil Works—not charged to Revenue."

Maulvi ABUL KASEM: Will the Hon'ble Member be pleased to state if the figure Rs. 6,43,876 refers to the year 1926-27 only?

The Hon'ble Mr. A. N. MOBERLY: It refers to 1926-27. As explained at the bottom of the page it includes Rs. 5,85,456 under "60—Civil Works—not charged to Revenue". This was for Police buildings financed by loans.

Publicity staff under the Director of Public Health.

70. Mr. A. F. M. ABDUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government (Public Health) be pleased to state—

(*i*) the strength of the present publicity staff under the Director of Public Health;

(*ii*) the number of days these officers were on tour during the year 1925-26; and

(*iii*) the number of places visited by them during that year?

(*b*) Is the Hon'ble Minister aware of the great demand for such health propaganda work in the province?

(*c*) Will the Hon'ble Minister be pleased to state whether there are any proposals at present before him for consideration for the increase of the publicity staff of the Public Health Department?

(*d*) If so, what steps, if any, have been taken in the matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) One Publicity Officer on Rs. 200—20—500; one Assistant Publicity Officer on Rs. 150 a month; two Publicity Assistants on Rs. 50 each a month; four peons, one on Rs. 15—1/5—19 and three on Rs. 15 each a month.

(*ii*) In 1925 the Publicity Officer toured for 300 days and in 1926 for 302 days.

The Assistant Publicity Officer was recruited in December, 1925. He toured for 204 days in 1926.

(*iii*) The Publicity Officer visited 138 places in 1925 and 330 places in 1926. The Assistant Publicity Officer visited 123 places in 1926.

(*b*) Yes.

(*c*) Yes.

(*d*) The proposals are under consideration.

Khan Bahadur Maulvi AZIZ-UL-HAQUE: When were these proposals received by the Department?

The Hon'ble Sir PROVASH CHUNDER MITTER: I understand these proposals first came before the Department in August or September of last year, and before I took over charge.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state whether any administrative decision has been arrived at with reference to them?

The Hon'ble Sir PROVASH CHUNDER MITTER: They have been administratively approved.

Khan Bahadur Maulvi AZIZUL HAQUE: What is the increase of staff expected by this adminstrative approval?

The Hon'ble Sir PROVASH CHUNDER MITTER: I can only give the hon'ble member some general information. I think the increase will be about 5 or 6, but in order to give him more definite information, I would like notice.

The Board of Secondary Education, Dacca, allowing of [illegible] certain examinations.

71. Mr. Khwaja NAZIMUDDIN: (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to state whether it is a fact that during the last I.A. and I.Sc. Examinations under the Board of Secondary Education, Dacca, many boys who got plucked in the test examination or fell short of percentage were allowed by the college authorities to appear at the examination and college and examination fees were realised from them?

(*b*) Is it a fact that the Board afterwards disallowed some of them?

(*c*) If so, will the Hon'ble Minister be pleased to state the number of such boys separately—

(*i*) Hindus; and

(*ii*) Muhammadans?

(*d*) Is there any rule or principle of the Board for its guidance in those matters?

(*e*) If so, what are they?

(*f*) If some of those boys were afterwards allowed on the recommendations of some influential persons?

(*g*) If so, why the cause of the poorer boys was neglected?

(*h*) Have the Board or college authority refunded the college and examination fees of the disallowed boys? If not, why not?

(*i*) Will the Hon'ble Minister be pleased to state why did the college authorities allow those boys?

(*j*) Was it for collection of some money for the college fund?

(*k*) Are the Government considering the desirability of taking proper steps to prevent the recurrence of such things in an educational institution?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: (*a*), (*b*) and (*c*) No student who failed to satisfy the college authorities by the results of the test examination was sent up.

The cases of those students who fell short of the requisite percentage of attendance were forwarded for the decision of the Board. They were examined by a committee of the Board and some of the students were permitted to sit for the examination and some were not. Of those not permitted 2 were Hindus and 6 Muhammadans.

Examination fees and college tuition fees were realised from them all. But the examination fees of those who were not permitted by the Board to sit for the examination were not credited to the Board

but refunded to the students. Their tuition fees were not refunded because a student must pay his fees right up to the end of the session whether he is sent up or not.

(*d*) Yes, in the case of shortage of attendance.

(*e*) Please refer to the Regulations of the Board, Chapter III, regulations 3 and 4, and Chapter VI, regulation 6 (Calendar of the Board).

(*f*) No.

(*g*) Does not arise.

(*h*) Please refer to the answer given under (*a*), (*b*) and (*c*).

(*i*), (*j*) and (*k*) Do not arise.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state, with reference to the answer to question (*d*), whether any principle is referred to therein, or is there any rule of the Board for their guidance in these matters?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: It is a rule of the Board.

Mr. JOGESH CHANDRA GUPTA: I was asking the Hon'ble Minister to let me know if any principle is laid down in these rules?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: The rules speak for themselves.

Mr. JOGESH CHANDRA GUPTA: May I ask if the Hon'ble Minister is aware of these rules?

Mr. PRESIDENT: That question does not arise.

3 P.M.

GOVERNMENT BUSINESS.

Supplementary demand for grant.

24.—Administration of Justice.

The Hon'ble Mr. A. N. MOBERLY: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 43,000 be granted under the head "24.—Administration of Justice" to meet the probable excess expenditure during the current financial year.

The details have been circulated to the members in a memorandum, and so I do not think that it is necessary for me to say anything more.

Mr. D. N. ROY: On a point of order, Sir, I gave notice of a motion for the refusal of this Rs. 43,000 moved by the Hon'ble Mr. Moberly. The Secretary intimated that the motion was disallowed by the President and he wrote to me thus:—

"With reference to your motion for the refusal of the supplementary demand of Rs. 43,000 under the head "24.—Administration of Justice," I am desired to inform you that it has been disallowed by the Hon'ble the President as it offends against section 91 (2) of the Rules and Standing Orders. A motion for the refusal of a main grant is not in order. Your object will be obtained by voting against the whole demand."

I do not quite understand what is meant by the "main grant." That expression is not found anywhere either in the Act or in the Rules. Section 91 (2) of the Rules and Standing Orders says: "Motions may be moved at this stage to reduce any grant or to omit or to reduce any item in a grant but not to increase or alter the destination of a grant."

Motions may be moved to reduce any grant, but it does not limit the amount to which it may be reduced. We may, therefore, reduce it to zero and that would amount to a refusal of the demand, and I say it comes within the rule.

Mr. PRESIDENT: Under the section you can reduce the grant, but you cannot put a motion on the paper to refuse the whole grant. That you can do by voting against the whole demand.

Mr. D. N. ROY: If that is your ruling, Sir, then it offends against section 72D (2) of the Government of India Act. Sub-section (2) of section 72D says:—

"The estimated annual expenditure and revenue of the province shall be laid in the form of a statement before the Council in each year, and the proposals of the local Government for the appropriation of provincial revenues and other moneys in any year shall be submitted to the vote of the Council in the form of demands for grants. The Council may assent, or refuse its assent, to a demand, or may reduce the amount therein referred to either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed."

Mr. PRESIDENT: Nothing prevents you from refusing your assent to the grant.

Mr. D. N. ROY: I was contending that we can move a reduction of the whole grant. There is no mention of any "main grant" in the rules or the main Act. The expression used is "whole grant" or "total grant," and the Government of India Act has given us the express right to move a refusal of the whole grant.

Mr. PRESIDENT: I rule that you cannot do that. You can only reduce the grant.

Mr. D. N. ROY: Another point of order, Sir. The motion moved by the Hon'ble Mr. Moberly for Rs. 43,000 is not the whole grant but is an item in the whole grant under head "24.—Administration of Justice." The whole grant under "24.—Administration of Justice" was Rs. 85,02,000, and this Rs. 43,000 is in excess of that. The whole grant is therefore Rs. 85,45,000, and this Rs. 43,000 is an item in the whole grant, and I come within your ruling.

Mr. PRESIDENT: You are again wrong. This amount is demanded under the head "Administration of Justice." I overrule your objection.

Babu AMULYA CHANDRA DATTA: I beg to move that the demand of Rs. 43,000 under the head "24.—Administration of Justice" be reduced by Re. 1.

In rising to place before the Council the motion that stands in my name opposing the demand made by the Hon'ble Mr. Moberly I desire to say at the outset that the object of my proposing this token cut is to draw the attention of the Council to and discuss the way in which the Department is administered in disregard not only of popular opinion but also of that of high administrative authorities.

I take it, Sir, that the grant of Rs. 43,000 is demanded to enable the Government to meet the expenses incurred in wiping off as far as practicable the congestion of cases in the Civil and Sessions Courts. The question is not one of funds but the question is whether the right and proper method has been adopted in removing the said congestion. The law's delay has no doubt become proverbial from before the days of Queen Elizabeth. Human ingenuity has not however failed to tackle it more or less and if it cannot be completely avoided, at least something could be done to prevent denial of justice by a dispensing belated justice. The matter drew the attention of the Government of India some time in 1923 and in the beginning of 1924 they appointed the Civil Justice Committee to enquire into the causes of delay in the disposal of civil suits and to suggest remedies for their removal. A detailed enquiry was made extending over two years and entailing an expenditure of Rs. 2,82,807. A very elaborate and comprehensive report reviewing the entire administration of Civil Justice in India was submitted and some very valuable and interesting recommendations were

made. They have not, however, met with a very gracious reception at the hands of the Government. This is not, however, very surprising for we have got very bitter experiences of big commissions and committees being appointed at enormous costs in order that their recommendations may eventually be unceremoniously given the go by to. Most of the Civil Justice Committee recommendations are calculated not only to reduce the cost of Judicial Administration but also to improve its efficiency. The limited time at my disposal would not enable me to draw attention to more than two of them only so far as the Civil Courts in the mufassal are concerned—I mean those relating to (*1*) the appointment of a Registrar in the Civil Courts to do administrative work and dispose of uncontested cases especially in heavy districts and (*2*) the training of Judicial Officers. The recommendation of the Committee on the first head is of an unexceptionable nature and I do not propose to reiterate the reasons advanced by them in support of this suggestion of theirs but I shall only read out to you one sentence from their report with which the Committee wind up their observations on the subject and with which I venture to say those of us who have got anything to do with Civil Courts will fully agree. Those words are:—"There will also result in time a reduction in the case of judges as the Registrar will do the entire administrative work and the uncontested judicial work of all the courts, leaving the judges no other work, but the trial of contested suits.

Then Sir, the inefficiency of the mufassal higher judicial—I mean the District Judges—have not only become a by-word with the people of the country but have also been admitted by the highest administrative authorities. There is a saying in the legal world that it is more necessary that people should be made to feel that justice has been done, than that justice should have been done; and in this respect the personnel of the Judge counts a good deal. Judges are human beings and have human limitations and so are liable to err. What is however indispensable to ensure satisfaction amongst the litigating public is to equip the judges with all those qualifications that would minimise the chances of error and mistake. While all other civilised countries and even some other provinces of India provide for adequate legal training of judges, our own province is the most backward in this respect and those of our District Judges who are recruited from the Indian Civil Service and who form about 75 per cent. of the cadre have to undergo no judicial tarining and possess absolutely no knowledge of civil law and procedure before they are posted as full-fledged District and Sessions Judges. A raw callow youth innocent of all law save and except a few sections of the Indian Penal Code and Criminal Procedure Code and Evidence Act deciding intricate cases involving questions of Hindu and Muhammadan Personal Law, cases involving the most difficult questions of trust, equity, mortgage, etc., and of the most complicated Land Laws of Bengal and

sitting in appeal over the judgments of trained lawyers with considerable experience on the Bench is not a rare sight in our courts.

3-15 P.M.

Can you, Sir, expect those people to dispose of these cases expeditiously and deal out speedy justice to the people? The Government seem to be of opinion that they would be able to remove congestion by appointing more and more judges. In combating the evil congestion, multiplication of machinery is of very doubtful value if the machinery be not up to the mark. Sir, that the inefficiency of judges is fraught with political dangers cannot be gainsaid and has in fact been admitted in a despatch of the Government of India, dated the 4th July, 1907, *vide* P. 191, C. J. Committee's Report.

In his despatch No. 151 (Public), dated the 20th October, 1910, Lord Morley spoke very strongly against the present system of recruiting judges without any judicial training and adumbrated a scheme for their training. It will be found at p. 192 of the Report. About 20 years have rolled by since that date but our rulers out here, especially in our Presidency, have proved impervious and in the plentitude of their power and wisdom have ignored even Lord Morley, evidently under the belief that members of the Heaven-born service are omniscient and require no training for any sphere of work and they can easily exchange sword and pen at any time.

Sir, some time ago I gave notice of a resolution recommending that no member of the Indian Civil Service should be appointed to the post of a District Judge unless he has passed an examination in Law either in India or in Great Britain and has served as a Judicial Officer in the subordinate judiciary for at least five years. Speaking for myself I should say that none but members of the Bar having adequate experience at the Bar should find a place on the Bench. I may be accused of partiality to my own profession but the practice in vogue in other civilised countries is my justification for such an opinion. But having regard to the temper of our Rulers, the least that I could suggest for improving and strengthening our judiciary was that embodied in the above resolution and it is a very modest demand compared with the scheme of Lord Morley. I do not believe in study leave at the expense of poor India as suggested by Lord Morley. I was, however, told that His Excellency has disallowed the resolution on the ground that the subject matter of the resolution was no concern of the Provincial Government, and I was not a little surprised to learn this. I however find myself in good company for the Government of India have in their despatch appointing the Civil Justice Committee recognised the administration of justice to be a Provincial subject and the Civil Justice Committee have also at p. 195, para. 38 of their report said " it is unnecessary

for us to elaborate the details of the preliminary training in original Civil work which has now been finally settled by the Government of India with the approval of the Secretary of State as indispensable for a Civilian Officer before he is appointed to a District Judgeship. Each Province will be in the best position to arrange the details to suit local conditions." In view of these facts and circumstances I do not know whether our Government can shift the responsibility on to other shoulders.

Last year when this matter came up for discussion the Hon'ble Mr. Moberly said in reply to Mr. Akhil Chandra Datta that the cadre of the Indian Civil Service was below its normal strength and would not permit officers to be placed under training. Sir, I cannot conceive of a flimsier excuse. If that were so, there was no necessity of appointing Civilian officers to district judgeship. The Bar could have been drawn upon. I hope and trust however that the situation has improved since then and steps would be taken to place the Bengal judiciary on a par with that of the other civilized countries.

I would refer to one other matter before I close. Of late in the course of about ten years 4 District Judges have been recruited form the Bar. Without meaning any disrespect to those gentlemen may I ask on what principle they have been appointed? Has not loyal and faithful service to Government been made the test of selection and not adequate experience at the Bar, especially at the Civil side of the Bar? Sir, in the interests of the administration of justice, I should think not only that the Bar should be the recruiting Ground of our judges in all the courts of the land but also that the selection of judges should be entrusted to the High Court which is not only the most competent authority in this matter but is also presumably above all political bias.

I appeal to the Government to seriously consider not only all that I have said but also all that Lord Morley and the Civil Justice Committee have said on this subject. I need hardly remind you, Sir, that there is no more potent factor to consolidate the position of a Government than that which would secure and maintain a full and free flow of pure and undefiled justice.

The motion of Babu Amulya Chandra Datta was put and lost.

The motion that a sum of Rs. 43,000 be granted under the head "24.—Administration of Justice" to meet the probable excess expenditure during the current financial year was then put and agreed to.

The Budget grant of the Government of Bengal for 1928-29.

DEMANDS FOR GRANTS.

5.—Land Revenue.

MEMBER in charge of DEPARTMENT of REVENUE (LAND REVENUE) (The Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 47,43,000 be granted for expenditure under the head "5.—Land Revenue" (page 27, Civil Estimate).

This demand shows an increase of Rs. 8,12,000 over the current year's budget grant. Some detailed reasons have been given at pages 28-30 of the Financial Statement which has been circulated and which I have no doubt all members have carefully read. But as several motions for reductions have been tabled it would be useful if I say a few words of explanation at the outset.

Of the total increase, about half is only apparent and is due to a change in the method of exhibiting expenditure and recoveries in the present budget. It has been the practice hitherto to budget only for the net expenditure, *i.e.*, the ultimate burden on the public revenues after deducting cash recoveries. From the next year, however, all such recoveries would be shown as receipts and the gross expenditure necessary would be presented to the Council for its assent. Consequently, as against expenditure under "5.—Land Revenue" three items of receipts amounting to Rs. 3,37,000, namely, for Land Acquisition establishment (the cost of which is recovered from the Railways and other acquiring bodies), Partition establishment (the cost of which is recovered from the parties) and Certificate establishment (a portion of the cost of which is recovered from the District Boards) appear at page 11 of the Civil Estimates under "VA.—Land Revenue—Miscellaenous." The real increase is, therefore Rs. 4,75,000 and this is distributed thus:—

	Rs.
Management of Government estates (including colonisation)—	54,000
Survey and Settlement—	4,40,000

while there are decreases under—

Charges of Administration—	12,000
Land Records—	8,000
Assignments and compensation—	6,000

First as regards increase under "Management of Government estates," it is a pity that it has not been possible to find more money for expenditure on improvements and fresh colonisation. The Board of Revenue had drawn up a programme for new colonisation of about 5 square miles in the Sundarbans. This required initial expenditure on clearing jungles, building embankments and providing for sweet water tanks. A start will be made as soon as our financial conditions permit. But for the present we have to wait.

As for survey and settlement operations, the reduced two-party programme which was decided on by this Council in 1921, is being maintained and the increase is due partly to the treatment of Chittagong Settlement as a major operation, and partly to the fact that in Malda, where survey by the method of aerial photography will be adopted, two years work will be done in one year; and also to the fact that from the next year maintenance work under Section 158A of the Bengal Tenancy Act would be included under "Settlement." The whole of the cost of this maintenance, I may observe, would be paid by the applicant landlords in advance and is included in the miscellaneous receipts over and above the three items, *viz.*, Land Acquisition, Partition and Certificates, to which I have already referred.

The Council will not, I hope, seriously reopen discussion on the policy of cadastral survey and record-of-rights which is now a settled question. In fact almost all the districts have been completed and only a few, namely, Rangpur, Dinajpur, Malda, Burdwan, Hooghly and Howrah remain. A good portion of the districts of Malda, Hooghly and Burdwan has also been done. There was a very full discussion of the policy in this Council in 1921 and I also had an opportunity to explain in my speech of 15th March, 1927, how these settlement records and maps are of immense value to all concerned far outweighing the comparatively small expense at which the work is carried out.

One member has reopened his last year's challenge as to why the Bengal Tenancy Amendment Bill is being delayed. We received the Special Committee's report some time before the last Pujas. An examination, section by section, of this report with the views of the Select Committee and Sir John Kerr's Committee which preceded the Government Bill of 1925, has been finished and the main controversial points have just been under the consideration of Government as a whole. As announced by me in this Council in February last it is expected that a fairly satisfactory Bill will be presented to the Council in the next July session. Very important questions of far reaching importance affecting directly almost 99 per cent. of the population are involved in this Tenancy Legislation and the utmost care and attention even to details are necessary at every step. I may assure the Council that the matter is being pushed through with the greatest possible expedition.

I have nothing further to add at this stage.

Maulvi TAMIZUDDIN KHAN: I beg to move that the demand of Rs. 2,45,000 under the head "5A—Charges of Administration—Land Acquisition Establishment" be reduced by Re. 1 (page 28, Civil Estimate).

Sir, our Budget is a deficit Budget and there seems no dearth of lamentation over this fact, particularly over the injustice done to the transferred departments. But all these tears seem to be only hypocritical because we find that far from any attempt being made to reduce any of the items of expenditure, there is a tendency, the same stereotyped tendency, to pamper the reserved departments wherever possible. In this case we find that the number of officers which was only five in the current year has been increased to eight, that is, by more than 50 per cent. in the coming year. I do not know what is the reason for this abnormal increase. The clerical staff has also been accordingly increased with the corresponding increase in expenditure. My submission is that if there were really any anxiety to do justice to the transferred departments, that can only be done by reducing expenditure in other departments, that is, the reserved departments, but we see that more and more expenditure is being incurred on the reserved departments. I hope the Hon'ble Member will explain the reasons why this is being done.

3-30 P.M.

Secondly, Sir, I find that in this department there are altogether 7 officers at present. Of those 7 officers there is only one Muhammadan, and it is also found from the Civil List that all those officers draw special pay save and except the Muhammadan officer. I do not know why Government have not seen their way to appoint more Muhammadans as Land Acquisition officers and why the special pay granted to all other officers has not been granted to the Muhammadan officer.

As regards the clerical staff, I do not know whether the Muhammadans are adequately represented there.

With these remarks I beg to move the motion that stands in my name.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Sir, I find that my friend Maulvi Tamizuddin Khan's objection may be divided into two parts, one is that he wants an explanation as to the increase in the cost of establishment and the other is that he wants to know why there is not more than one Muhammadan officer employed. As regards the first point, I have got to observe that the increase in the cost of land acquisition establishment is due to new railway lines being constructed for which we must acquire lands. The whole cost is recovered from the railways.

As regards his next point, I may say that out of 7 Land Acquisition officers one is a Muhammadan, and it is proposed to appoint another Muhammadan officer at Noakhali.

I hope this will meet the member's objections.

The motion of Maulvi Tamizuddin Khan was then put and lost.

The following motion was called but not moved:—

"**Maulvi ASIMUDDIN AHAMAD:** That the demand of Rs. 5,78,000 under the head '5A.—Charges of Administration' be reduced by Rs. 2,00,000 (page 27, Civil Estimate)."

Babu JITENDRALAL BANNERJEE: I beg to move that the demand of Rs. 5,78,000 under the head "5A.—Charges of Administration" be reduced by Re. 1 (page 27, Civil Estimate).

My object in moving this motion of reduction is the same as that of Maulvi Abul Kasem whose motion comes later on, namely, to mark the Council's strong disapprobation of the intolerable delay in introducing the Bengal Tenancy Amendment Bill. This question was raised last year and we had a promise that the Bill would be introduced as soon as possible; but that promise has gone the way of other promises and has remained unfulfilled. The present is a remarkable instance of the melancholy way in which such things have been managed in recent years. It was in July, 1921, that this Council passed a resolution recommending that a committee be appointed to consider what amendments were necessary to the Bengal Tenancy Act. That committee was appointed in August, 1921; it finished its labours with reasonable promptitude and its report and the draft Bill prepared by it were received by Government in January, 1923. So far the thing had gone on smoothly enough. Once, however, the Bill came into the hands of Government, it seemed to stick in the mire and no further progress was made during the next two years. At last, the Bill was introduced in the Council in December, 1925, but in July, 1926, the Hon'ble Member allowed it to be dropped. Since then nearly two years have passed by and yet this all important piece of legislation has not been introduced.

I do not understand why the Hon'ble Member should feel so shy about introducing this legislation. Of course, in one sense his position is anomalous. He is a landlord himself and yet he has been entrusted with the duty of introducing a Bill which cannot certainly be favourable to the landlords.

Mr. PRESIDENT: I think, Mr. Bannerjee, you are not right in casting a reflection on the Hon'ble Member like that.

Babu JITENDRALAL BANNERJEE: Sir, I am not casting the least reflection upon the Hon'ble Member; that is far from my intention. But it is human nature, it is natural that the Hon'ble Member should feel himself in a difficult and awkward position. He is not only a landlord himself, but, generally speaking, he sits entrenched behind a mass of landlordism. It is not so now, but ordinarily he has a landlord to the right of him, a landlord to the left of him, and, with your permission, Mr. President, a landlord in front of him.

Mr. PRESIDENT: Mr. Bannerjee, do you think that the landlords are incapable of rising to the height of their duty? You are taking a narrow view and I am afraid you are wholly wrong.

Babu JITENDRALAL BANNERJEE: Oh no, Sir; I see that the President can rise to the height of the occasion, at least in calling me to order (Laughter.—The member referred to the Presidential *dais*).

Mr. PRESIDENT: Order, Order.

Babu JITENDRALAL BANNERJEE: But I am now discussing the whole policy of the Government: and my fields is very large. I say, that the Hon'ble Member is entrenched behind a mass of landlordism and it is impossible for him to introduce a measure which may not be favourable to the interests of the landlords. Sir, I am familiar with the common platitude that there is no clash of interest between the landlords and tenants. But I say that there is clash and conflict of interests between them. Fifty years ago, one of the remarkable sons of Bengal stated that the Bengali tenant had one enemy and that was the Bengali landlord. It was Bankim Chandra Chatterji who said this fifty years ago, and if you want to quarrel with that opinion, you must quarrel with him and not with me.

Sir, it seems to me that the Hon'ble Member has not realised or realised but insufficiently the gravity of the situation. The Bengali peasant, the Bengali cultivator, is meek and long-suffering, and his anger is slow to be fanned into a flame. But once this wrath has been kindled into a blaze, it will be a difficult business to deal with it: and it is the duty, it is the business, of the Government and of the Hon'ble Member who is the agent and representative of the Government to guard against this possible conflagration. Whatever value Government may attach to the political agitation of the intelligentsia, it would be a trifle, a mere bagatelle, as compared with the vast agitation that will spring up if you go on deferring justice to the Bengali tenant any longer. Once the mass is roused—and they will be roused if you go on like this—there is no alchemy in the possession of the Government which will be able to extinguish this conflagration. The landlord will crumple up before it like a thing of rags, and he in his turn will drag down the

Government in his fall; and the fall of the Government will be like that of the house of which we are told the rain rained, the wind blew and the house fell, and great was the fall thereof.

Maulvi ABUL KASEM: Sir, I gave notice of a similar motion which I do not think necessary to move, although I do not agree with my friends to my left (Mr. J. L. Bannerjee) in his statement that this Bill has not been introduced because of the influence exercised by the landlords on the Hon'ble Member. My idea is that Government as a whole, and the Secretariat in particular, are indifferent to the interests of the cultivators and generally of the rural areas. To them the cities are the only matters of concern. I, Sir, will only add one word in support of the motion: that is, last year I moved a similar token cut, the House was divided on it and my motion was carried. I submit respectfully that the Government's failure to introduce the Bill immediately after that is an insult to the House against which I enter my emphatic protest. What is the use of our being here if the expression of opinion given by the House is treated with contempt by the Government benches. We have no business to be here, and I think if that is the attitude of Government, they ought to be honest and frank and tell us so, so that we may return to our homes. This Bill was prepared, introduced, and I do not know how many committees have sat on it, but this much I know that our distinguished countryman Sir Naliniranjan Chatterji presided over a committee appointed by Government to consider this Bill. That committee finished its labours long time ago, but we have not been told either in this House, or by any *communiqué* issued by Government, what are the obstacles that stand in the way of this Bill being pushed through. It is no use preparing Bills and saying that Government propose to introduce the measures in the near future when the Government have no mind to do so. I think the history of the Bengal Tenancy Act will be repeated, in the case of the Primary Education Bill. I think, Sir, that when the House has given an expression of its opinion on this question it is the duty of Government to introduce the Bill as soon as possible and I hope that as a protest against the insult to the House, members will at least on this occasion rise to the height of the occasion and support Mr. Jitendralal Bannerjee and thereby give an expression of opinion not only about the Tenancy Bill but also as a protest against the action of Government in this matter.

Khan Bahadur Maulvi EKRAMUL HUQ: Sir, I had sent in a motion to the same effect and my token cut was meant as a censure on Government for shelving the Tenancy Bill, but I was told that I was too late. We have been informed that this matter has been before the Council during the past 6 years. As I have had the misfortune or good fortune of being a member of this House for more than 7 years, I know that the members have made efforts to see the Tenancy Bill

placed before the House without delay and I personally made repeated endeavours in this direction. About 4 years ago, I as a member of the Land Revenue Standing Committee resigned my membership as a protest because the Hon'ble Member did not take any steps in the matter and was delaying the introduction of the Tenancy Bill. As has been said by my hon'ble friend Mr. Abul Kasem, the entire opinion of the House has been flouted by Government. I know Government considers itself to be too strong to hear the weak voice of the dumb millions, but, Sir, we, as friends of the Government and as good citizens, consider it to be our duty to speak plainly to them that they are here to do justice and nothing but justice. By shelving this question for so many years they have heaped injustice upon the masses.

3-45 P.M.

The amount of money that the tenants had to pay to the unscrupulous zamindars for mutation and the numerous cases in which they have suffered at their hands for these long years need not be mentioned in this House. I think, if all these are mentioned, the House will sink down in shame. The tenants' money is hard-earned money. It is necessary for Government and for members of the Council and particularly for the Members of Government to see that justice is done to the tenantry and they are not wrongly made to pay what they have earned by the sweat of their brow. Sir, a cry has naturally been raised against the Government and against the Hon'ble Member in charge of the Bill for not bringing the Tenancy Bill. The Hon'ble Member has been pleased to inform the House that this matter would be taken up in July next. But, Sir, we have had these sort of assurances from the Hon'ble Member for some years past and they have ended in assurances only. Let us hope that we shall not be misled any more in this way and that in next July the Tenancy Bill will come up before the Council and that justice will be meted out to the landlords and tenants. Sir, I need not say anything more but I hope that the Hon'ble Member, who comes from a big house, will rise to the height of the occasion and see to it that justice is done to the tenantry, and that, though he himself is a landlord, he has the interest of the tenantry at heart.

Mr. SYED MD. ATIQULLAH: Sir, the Bengal Tenancy (Amendment) Bill is long overdue. Sir, to my mind there are enough loopholes in the Tenancy Act under which any zamindar can oppress his tenants. Sir, as this Bill affects the whole tenantry of Bengal and as this is a highly complicated and controversial matter, I trust Government will rise to the height of the occasion and will do justice to tenants; otherwise to read the sign of the times, they will all sooner or later, become Bolshevists. To my mind it seems that because the Hon'ble Member in charge is a landlord and because he is under the pressure of the landords that the Bill is not being introduced. I may warn the landlords here and outside, that the tenants are a rising

power, and that the time has come when they should meet the tenants half way. Otherwise their hands will be forced.

Srijut NOGENDRA NATH SEN: I whole-heartedly support Babu Jitendralal Banerjee's motion. I think the Hon'ble Member is aware of the state of the tenantry in Bengal. The uncertainty in regard to occupancy rights added to the cases of idiosyncracies on the part of numerous Settlement Officers in the various districts has brought about the law into greater state of uncertainty. It is high time that the Bengal Tenancy Act was recast. The Act was passed in 1885 and this is 1928 and Government has certainly no explanation to offer why for the last 43 years no attempt was made by them to bring legislation on lines more proper to the present time.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: Sir, I think my friends in the Council have done me an injustice when they say that I have somehow or other treated them with contempt or tried to offer them an insult. Sir, that was far from my intention and far from the intention of Government, and of the Department which I have the honour to represent. Every body in this House will realise and admit that a Bill was presented by me in this Council sometime in 1926. There were so many variations and new items introduced in the Bengal Tenancy (Amendment) Bill that Government decided not to proceed with it during the life-time of that Council. Then we requisitioned the services of the late Chief Justice of Bengal Sir Naliniranjan Chatterji, and three other officers were asked to advise Government and we sat for some days and produced a Bill which I have already said is being considered by Government as a whole. Sir, this legislation is a matter of momentous importance and affects 99 per cent. of the population; and any new changes which have to be introduced in the tenancy legislation have got to be done with very careful consideration. Sir, if my hon'ble friend, Mr. J. L. Bannerjee, had waited for a couple of months more and conserved his breath and energy until the Bill actually came up here, I think it would have been better. As I have said that it is my earnest endeavour to bring this legislation before the Council in July, I have nothing further to add at this stage. I therefore oppose the motion.

The motion that the demand of Rs. 5,78,000 under the head "5A.—Charges of Administration" be reduced by Re. 1 was then put and a division taken with the following result:—

AYES.

Abbott, Mr. E. G.	Banerjee, Babu Promotha Nath.
Ahamad, Maulvi Kasiruddin.	Banerjee, Mr. A. C.
Ahmed, Khan Bahadur Maulvi Emaduddin.	Bannerjee, Babu Jitendralal.
Atiqullah, Mr. Syed Md.	Barton, Mr. J. F.
Bagchi, Babu Romes Chandra.	Basu, Babu Sasi Sekhar.
Baksh, Maulvi Kader.	Biswas, Babu Surendra Nath.
Banerjea, Dr. Prematheanath.	Bose, Mr. S. C.

Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraborty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Golam Mawla.
Choudhury, Maulvi Khorshed Alam.
Das Gupta, Dr. J. M.
Dhita, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Babu Satyendra Chandra.
Gofran, Maulvi Abdul.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Dayal.
Hoque, Kazi Emdadul.
Huq, Khan Bahadur Maulvi Ekramul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
James, Mr. F. E.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Lala, Babu Saroda Kripa.
Luke, Mr. N. R.
Macartney, Mr. J. G.
MacSean, Mr. J. A.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Tarakanath.
Nasker, Babu Hem Chandra.
Nazimuddin, Mr. Khwaja.
Phelps, Mr. Trever J.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur-.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-.
Raikat, Mr. Prosanna Deb.
Rauf, Maulvi Syed Abdur.
Ray, Babu Radha Gobinda.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Dr. Sidhan Chandra.
Ray, Mr. D. N.
Roy, Mr. Kiran Sankar.
Sanyal, Babu Sachindra Narayan.
Sarker, Babu Naliniranjan.
Sattar, Khan Sahib Abdus.
Sattar, Mr. Abdool Razak Hajee Abdool.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Skinner, Mr. S. A.
Solaiman, Maulvi Muhammad.
Suhrawardy, Mr. H. S.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

NOES.

Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Cohen, Mr. D. J.
Dey, Mr. G. S.
Drummond, Mr. J. S.
Dutt, Mr. G. S.
Faroqui, Khan Bahadur K. G. M.
Ghose, Mr. M. C.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Lindsay, Mr. J. H.
Macdonald, Mr. A.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder,
Moberly, the Hon'ble Mr. A. N.
Nelson, Mr. W. H.
Parrott, Mr. P.
Prentice, Mr. W. D. R.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sachse, Mr. F. A.
Sarker, Rai Sahib Rebati Mohan.
Shah, Mr. Gholam Hossain.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Tate, Major-General Godfrey.

The Ayes being 76 and the Noes 29, the motion was carried.

[At 4 P.M. the Council was adjourned and it reassembled at 4-10 P.M.]

The following motion was not put as it was covered by the foregoing decision of the Council:—

Mr. SYED MD. ATIQULLAH: "That the demand of Rs. 5,78,000 under the head '5A.—Land Revenue—Charges of Administration' be reduced by Re. 1 (page 27, Civil Estimate)."

The following motions were called but not moved:—

Babu MANMATHA NATH ROY: "That the demand of Rs. 5,78,000 under the head '5A.—Land Revenue—Charges of Administration' be reduced by Re. 1 (page 27, Civil Estimate)."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 2,44,000 under the head '5B.—Management of Government Estates—Outlay on Improvements' be reduced by Re. 1 (page 32, Civil Estimate)."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 1,99,000 under the head '5B.—Management of Government Estates—Colonization of Sundarbans' be reduced by Re. 1 (page 32, Civil Estimate)."

Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 25,98,000 under the head '5C.—Survey and Settlement' be refused (page 33, Civil Estimate)."

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I rise to move a token cut of Re. 1 from the demand of Rs. 25,98,000 under the head "5C.—Survey and Settlement (Land Revenue)" (page 33, Civil Estimate). I do not wish to go into details, but shall be very brief for the reason that the Hon'ble Member in charge of the Department is one of the biggest landlords of this province and therefore must know better, moreover he has great experience in settlement work and of the condition of the tenants. Sir, I rise only to draw the attention of the Hon'ble Member to one point, viz., that the settlement operations in the districts of Murshidabad and Birbhum should be postponed for this year, if not then only for nine months, that is, till the time of the next new crop. There is no denying that the people are passing through a time of acute distress. Though the Government have not declared famine for some reasons or other, they have started famine relief work in those districts. If the settlement operation be continued, the raiyats will have to appear before settlement camps at different places at the cost of their living —at the cost of their daily wages and bread. They will also have to file objections with court fees and engage legal practitioners to put up their cases. All this means money; this will add considerably to their burden of woes; for these reasons I appeal to the Hon'ble Member to see that the settlement operations, especially in the districts of Murshidabad and Birbhum, are postponed till better times come.

As regards the second point, as I have already stated on more than one occasion, I desire to draw the special attention of the Hon'ble Member to the fact that the cost of the settlement operations be not

realised for the present. I understand Government have already exercised caution in the matter of realising the cost of settlement operations and have ordered that they will not use any force for payment, still, as the rules stand, after the publication is made, only two months' time is allowed to deal with these cases, so it will be necessary for the tenants to take the copies of the *khatians* by paying the cost for same. Under these circumstances I appeal to the Hon'ble Member to postpone the realisation of the cost of settlement operations. It may be supposed that I am speaking because of my own personal interests; here I must state that I have paid all the costs of settlement operations for the lands. With these remarks I beg to move my motion.

Khan Bahadur Maulvi EKRAMUL HUQ: I rise to support the motion of my friend, the Raja Bahadur. I had sent in a similar motion for a similar purpose. As the Hon'ble Member knows, Murshidabad is in the grip of a famine. I had sent in several interpellations and resolutions in this connection and Government know the extent of the miseries of the people. Sir, the settlement operations in Murshidabad are very nearly coming to a close, and demands have been made for the realisation of the cost. The inhabitants of some places have already sent in their petitions for being exempted from payment this year, and the reasons are as they have stated and as everyone knows that there was no chaitali or aman crop in most parts of the subdivisions of the district. I understand, that high officials of Government have been told that in the sadar subdivision they had some crop, I can assure the House and particularly our Commissioner here that the report is altogether wrong. Even the sadar subdivision is very badly hit and to minimise the situation and in order that they may not have to run about for test work, relief work and things like that, the situation is minimised and I may say that the report regarding the estimate of crop is not correct. The sadar subdivision is very badly hit and there are persons everywhere who are running for loans. So, Sir, it seems to me very necessary that at least for this year the Hon'ble Member will please consider the case of the districts struck by famine, and see that the cost of settlement operations is not realised. I approached the Settlement Officer, and he told me that I should bring to his notice the deserving cases and he would remit realizations this year. But I am afraid 99 cases out of 100 cannot but be very deserving cases. So, in the circumstances, a general order from Government will be very helpful to the people, and I feel certain that the Hon'ble Member will kindly see that such an order is passed.

Srijut NAGENDRA NATH SEN: Sir, I rise to support the motion of the Raja Bahadur of Nashipur. My object in doing so is to draw the attention of Government to the unsympathetic and unreasonable nature in which the officers of the Settlement Department realise their dues from both landlords and tenants. In cases where there are joint

landlords, the cost of settlement operations is realised not rateably from the different sets of landlords, but if one of them happens to be solvent, the entire amount is realised from him. That is a procedure which is hardly worthy of a civilised Government as the British Government boasts to be.

Then there is the question of the apportionment of cost. It is stated that persons who hold raiyatwari rights have to pay certain percentages and the landlords certain percentages. But although everyone has got to pay, everyone is not given the *khatians* or the maps. In municipal areas the cost is realised but they are not given the *khatians* or maps at all. That is a thing to which I respectfully wish to draw the attention of the Hon'ble Member in charge of this Department. Then in cases where there are famines and scarcity, the rule should be applied with less rigour and with sympathy and that is also a matter to which I would like to draw the attention of the Hon'ble Member.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Sir, the Raja Bahadur of Nashipur has raised the question of the recovery of cost of settlement operations in the Murshidabad district. So far as Murshidabad is concerned, the settlement operations are practically over there. The affected villages on account of scarcity in Murshidabad are in the Sagardighi thana and its neighbourhood. These places have been marked out by the Settlement Officer and the Collector and the recovery will not be started in these villages at present. The affected areas in Birbhum are in the Rampurhat subdivision. The recovery work was finished some time ago and the tenants have paid 97½ per cent. of the demand. A reference has been made by the mover to Birbhum where the area is not affected by the recent failure of crop. As I have said, in Murshidabad no question of postponement arises. Government have already ordered that no coercive measures should be resorted to in the affected areas, and only such costs as are voluntarily paid will be realised. That would meet the points raised by Khan Bahadur Maulvi Ekramul Huq and the Raja Bahadur of Nashipur.

As regards the point raised by Mr. Sen, regarding the realisation of settlement dues, which he has described as of an unsympathetic and unreasonable nature, Government are proceeding according to the rules laid down for such recovery. This procedure has been working very satisfactorily in almost all the other places. I do not see why he feels a grievance although he does not quote any instance as to what his actual grievances are. In the absence of this I do not think we can take this point into consideration.

The motion of Raja Bhupendra Narayan Sinha Bahadur, of Nashipur was then put and lost.

Babu NALINIRANJAN SARKER: In the absence of Mr. Kiran Sankar Roy, may I have your permission to move the motion standing in his name?

Mr. PRESIDENT: Yes, you can move it.

Babu NALINIRANJAN SARKER: I beg to move that the demand of Rs. 47,43,000 under the head "5.—Land Revenue (Reserved)" be reduced by Rs. 2,50,000 (page 27, Civil Estimate).

My object is to urge for a policy of retrenchment in all departments so that their combined effect may find an amount sufficient for starting schemes of popular amelioration for the promotion of which object we have been sent to this Council. With that end in view I put the share of the Revenue Department at Rs. 2,50,000. The general facts regarding the financial position, our demands for retrenchment and the callousness with which Government have persisted in increasing expenditure are well known and it would be as wearisome for me to recount them as for my hon'ble friend opposite to listen. In his speech introducing the Budget the Hon'ble the Finance Member confessed that it was a very unsatisfactory budget and emphasised that no one could hold the members of Government responsible for this position. He, therefore, shifted all blame to the financial settlement. It has become the fashion, Sir, to hold out the financial settlement as a facile pretext for delaying progress and putting aside all considerations of economy. I concede that our larger schemes of education and popular uplift cannot be accomplished before the revision of the financial settlement, but that cannot be any excuse for going on increasing the administrative expenditure, by economising which, much at least could be done.

The departments have persisted in their increase of expenditure the Land Revenue Department alone scoring a record of about 80 per cent. to its credit. Though there has not been any appreciable increase in the revenue. The expenditure thereof having swollen from about Rs. 28 lakhs in 1923-24 to Rs. 50 lakhs for the budget year.

Let me proceed to consider if there are any difficulties for the Department in effecting this cut.

Viewed impartially, Sir, the cut which I have proposed offers no practical difficulty. On the last occasion when I moved an identical motion, the Hon'ble Maharaja Bahadur appeared to be sympathetic but pleaded his inability to accept the proposal as his hands were tied by a previously arranged programme. He said that if the cut was effected he could not carry out his programme. He insisted the whole grant was absolutely indispensible. But from the revised estimate of the current year it is found that his estimate exceeded actual requirements by Rs. 2 lakhs. This is not an isolated instance. This sort of

over-budgeting has been a feature of the past few years. An examination of the budget estimates and actuals since the year 1923-24 will show that there has always been an average over-budgeting of about Rs. 3 lakhs every year in this Department alone. In March, 1925, the motion of Rai Harendranath Chaudhuri for a reduction under this head by Rs. 2,50,000 was passed by the Council but was certified by the Governor as an item without which he could not discharge his responsibilities; though at the end of the year a sum of Rs. 4 lakhs was found to be superfluous.

It is clear from this that the steady margin which is always present between budget and actual expenditure will knock the bottom out of the Hon'ble Member's contention, that if this cut be made he would not be able to carry on. I would also like to ask the Hon'ble Member what attempts he has made, in the face of his last year's contentions by way of effecting economy. He had all sympathy for the object of my motion, but he could not then help the position. But how has he improved the position to-day? Instead of any attempt at retrenchment, the budget estimate provides for an excess expenditure of about Rs. 5·85 lakhs over the revised estimate of the current year. This is, as will be readily seen, exclusive of the apparent increase of Rs. 4·37 lakhs due to the new method of account keeping.

It is unnecessary for me to press the point that there is no practical difficulty in effecting this retrenchment if only the Hon'ble Member wants to do it and it is equally evident that he will not of his own accord make any attempt in this direction. I, therefore, urge upon this House the absolute necessity of insisting on the lump cut under this head. It is not for us to go into the details of the administration and suggest the exact methods of effecting it. But we can, if we would, compel them to cut their or rather our coat according to the cloth.

The Hon'ble the Maharaja referred to the pruning shears of Mr. Sachse as one of the ordeals that his share of the budget had to go through. One would have expected such an operation to have reduced its size and increased its beauty. But instead of that it has only thrown out new and ugly offshoots. It is for the Council, I must repeat, to insist on a greater sense of proportion in the region of public finance.

Srijut NAGENDRA NATH SEN: I rise to speak a few words to draw the attention of the Hon'ble Member to the grievances of the public with regard to the Land Revenue Administration. It is a pity that Bengal still has got no complete Code of Land Revenue for itself. With regard to the demand of the State upon the assets of zamindars of permanently or non-permanently settled estates in several districts things are in a chaotic condition.

Last year attention of Government was drawn by the members of this House to the excessive demand of land revenue made during the

revision of land revenue of the temporarily settled estates in the Khulna district. In one case, it was brought to the notice of the Hon'ble Member in charge of Land Revenue that the State demand has been raised from Rs. 1,400 to Rs. 35,000; in certain other cases the rate of rent of ordinary cultivating raiyats has been raised from seven annas to seventeen annas per bigha. While the case of private zamindars is controlled by the Bengal Tenancy Act it appears strange how the Board of Revenue or the Hon'ble Member in charge of Land Revenue could consent to the enhanced rate of rent from seven annas to seventeen annas and of land revenue from Rs. 1,400 to Rs. 35,000. It is high time that a complete set of Land Revenue Codes be enacted and passed by the Council. At present people do not know for certain what they would have to pay for their occupation of any land. In some cases in the assessment of land revenue (because there are no hard and fast rules) courts have granted an enhancement of 70 or 75 per cent. of the assets in spite of the protests of tenure-holders of non-permanently settled estates.

Some time ago a resolution was passed by this Council that provision should be made in the Land Revenue Law enabling defaulters or patni tenure-holders to save their estates from sale by depositing money before sale, or even after sale allowing them to deposit the money. Government have taken absolutely no steps to protect the defaulters from that catastrophe. If he is in arrears he is not given any chance of depositing the money; he lies at the sweet will of the Collector; the Collector may receive the money or he may refuse and if the Collector refuses to receive the money he has no other remedy than to go to a Civil Court. It is unthinkable why the tenants should be treated differently from the private zamindars who can save their estates by paying the money before sale or after sale. Absolutely no reason has been assigned by Government for their refusal to give effect to a resolution passed by this Council. Government do not seem to care a fig for this Council. When a person is in arrears the landlord must wait for at least a year; he must bring a suit, get a decree and have it executed and that he must go through a thousand and one round about processes before realizing his arrears. I think some simpler method should be devised.

I protest against the revenue and executive functions being vested in the same officer. I know of a Deputy Collector, who is in charge of the Court of Wards, exercising extra judicial powers to enforce the realisation of his dues. This is a matter which should be put down with a strong hand and I draw the attention, personal attention, of the Hon'ble Member in charge of Land Revenue to it. The same officer who is vested with powers under the Court of Wards Act ought to be the last person to take steps to realize his own dues under the Certificate Act.

As regards the resolution passed by this Council I want that both in the interest of the State and of the zamindars some principle of law should be enunciated. From the last few years, since the institution of survey and settlement operations, we find that the King-Emperor is shown as the proprietor of the estates. Previously this was unknown and I want to know under what principle of law the King-Emperor is shown as the proprietor of all permanently settled estates. This point was raised last year but no answer was given. This year also I ask how can it be said that the King-Emperor is the proprietor of the estates and not the zamindars with whom the estates are permanently settled.

The Hon'ble Maharaja KSHAUNISN CHANDRA RAY Bahadur, of Nadia: I find that Mr. Naliniranjan Sarker has come with his hardy annual of pruning the budget this year also. There was an identical motion for a cut of Rs. 50,000 last year. I repeat the argument which I put forward last year and I want to emphasise that there is no increase in the proposed charges of administration of land revenue, land records and assignment and compensation. On the other hand, there are decreases in the budget and from a comparison of the figures for 1927-28, 1928-29 we find that the charge of administration in the current year is 253·9, next year it will be 241. In land records it is 62·5 and it will be 54·6 and in assignment and compensation it is 126 and it will be 120.

The increases are under Government estates, colonisation in the Sundarbans and survey and settlement. I have already explained why the survey and settlement cost will be increased on account of aerial survey in Malda in the coming year. The settlement in the Malda district will be done in one year instead of two years. The increase is almost entirely due to improvements in Government estates and colonisation areas. The expenditure that has been incurred will be fully recouped by increased receipts. In 1925-26, the receipts were Rs. 3 crores, in 1926-27, the receipts were Rs. 3 crores 11 lakhs, and in 1927-28, Rs. 3 crores 12 lakhs and in 1928-29, Rs. 3 crores 20 lakhs. From this we can see that there is a gradual tendency for receipts to increase.

As regards the question of rates we are all very anxious to do our work at as low a cost as possible but that is not always practicable. I have carefully gone into the items since I received notices of these motions for reduction. Both Mr. Nelson and I have worked out the cost and we find that this is a demand which we consider to be the rock-bottom demand we can make for the Land Revenue administration in Bengal, and I therefore appeal to my friend not to press this motion.

Regarding the points raised by Mr. Sen which I have heard with great interest, I do not know of any case where a Deputy Collector is both in charge of the Court of Wards as well as Certificate work.

However, I will enquire into the matter and see what can be done. I have also noted the other points raised in this discussion.

The motion of Babu Naliniranjan Sarker was then put and lost.

The following motion was called but not moved:—

Babu NALINIRANJAN SARKER: "That the demand of Rs. 47,43,000 under the head '5—Land Revenue (Reserved)' be reduced by Rs. 100 (page 27, Civil Estimate)."

The following motion was not put as it was covered by the foregoing decision of the Council:—

Maulvi ABUL KASEM: "That the demand of Rs. 47,43,000 under the head '5—Land Revenue (Reserved)' be reduced by Re. 1 (page 27, Civil Estimate). [As a protest against not introducing Bengal Tenancy (Amendment) Bill.]"

Mr. PRESIDENT: Before I give an opportunity to the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur to reply I should like to know if any member is desirous of speaking on the main demand.

Mr. W. H. THOMPSON: The European group supports the main vote of Land Revenue but they cannot disguise the fact that the administration of Land Revenue in Bengal is in the main the administration of the Bengal Tenancy Act. A Bill to amend the Tenancy Act was introduced into this House after Sir John Kerr's Committee had drafted it and a few modifications had been made. That Bill was referred to a select committee, but since then we have heard nothing of it. We guess—it is only a guess—that Government did not like the Bill as amended, as emasculated by the select committee, but the committee was after all a committee and nothing more. This House is the responsible body. This House has never had before it a measure affecting so large a proportion of the population of Bengal, so large a fraction of its administration as the proposed amendment to the Tenancy Act. If Government did not like the Bill as amended by the select committee, why have they sat on it? Why did they not trust this House? If it believes that the original Bill as drafted by them was the right Bill, why does it not come forward with the Bill in spite of the recommendations of the select committee and say to us "This is the Bill we think we ought to have; we think the select committee was wrong". Why does Government not come forward and present the Bill again before us instead of sitting on it and doing nothing?

4-45 P.M.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Sir, I protest against the allegation made by Mr. Thompson that Government is sitting over the matter and doing nothing. They

are very anxious to push through the Bill and I have already given an undertaking that this will be taken in hand in July next. If Mr. Thompson had cared to keep informations, he would have seen that the Select Committee presented its report to Government in July 1926. Government considered the report on all its bearings and then appointed another special committee consisting of an *ex*-Chief Justice of Bengal and three officials, who were asked to advise Government how far they could accept the changes made by the Select Committee, without sacrificing the essential principles which have always underlain the Tenancy law in this province. This committee held 13 meetings and its report is being considered by Government. Government, as I have already said, are considering the important issues raised by that committee's report and the Bill is expected to be presented to the Council in July next. I hope Mr. Thompson realises that it is not possible to present a Bill of this magnitude during the Budget session.

The motion that a sum of Rs. 47,43,000 as amended in Council, be granted for expenditure under the head " 5—Land Revenue " was then put and agreed to.

6—Excise.

MINISTER in charge of DEPARTMENT of REVENUE (EXCISE) (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 22,40,000 be granted for expenditure under the head " 6.—Excise " (page 42, Civil Estimate).

In doing so I would place before the House the present policy of the Government in regard to the excise administration of the province. The policy of Government as regards excise has been restated comparatively recently in a resolution which was published on 27th November, 1926. It is, briefly to impose a high taxation on intoxicating articles so as to make them as dear as possible to the consumer and thereby keep consumption to a minimum. Restriction of consumption is the key to the Government policy and measures which are devised merely to increase revenue are not countenanced. The effectiveness of the measures taken to carry out this policy is proved by a steady diminution of consumption of the principal excisable articles. Thus the consumption of country spirit in Bengal which was 766,572 gallons in 1920-and 632,351 in 1925-26; in 1926-27 it fell to 627,962: 73,625 seers of ganja were consumed in 1920-21 and 71,473 in 1925-26, but only 67,678 in 1926-27: 42,634 seers of opium were issued in 1920-21, and 39,945 seers in 1925-26 but the consumption fell again to 39,792 in 1926-27.

Total prohibition, however, is still not the goal of Government's policy. The arguments for and against this were discussed in this

House in 1921, and Government still adhere to the views they then expressed.

It is also the policy to extend popular control. The Calcutta Licensing Board has been working for some years and on the whole with success.

The system has been extended to the 24-Parganas, Dacca, Chittagong and Rangpur and has worked in these four districts with considerable success.

As regards opium, the chief feature is that the Opium Committee appointed at the instance of the Government of India as a result of the Geneva Convention to enquire into the consumption of raw opium in certain areas, *viz.*, the city and neighbourhood of Calcutta and the industrial centres of Serampore and Barrackpore, have since submitted their report to Government and that report is now under the consideration of Government.

Babu AKHIL CHANDRA DATTA: Sir, I move that the demand of Rs. 72,000 under the head "6A.—Superintendence" be refused (page 43, Civil Estimate).

In dealing with this motion, may I have your permission to deal with the main demand? You were pleased to grant me this permission last year.

Mr. PRESIDENT: I am afraid you will have to confine yourself to the motion, but you may make such general remarks as may not be altogether objectionable or irrelevent.

Babu AKHIL CHANDRA DATTA: I am aware of that, Sir. That is why I ask for your permission to deal with the main demand. My remarks will be relevent in this sense.....

Mr. PRESIDENT: Leave that to me.

Babu AKHIL CHANDRA DATTA: This is a question which is being discussed from year to year, but without any effect, and, therefore, I shall not waste the time of this House by making any speech. All that I propose to do is to put certain questions, and I hope Government will reply to them honestly. My questions are these:—

(1) Will Government pronounce its verdict as to whether it is the legitimate duty and function of a civilised Government to carry on a trade in liquor and intoxicating drugs through its own officers and agents?

(2) Does the Government dispute that the inevitable effect of this trade is ruin to the ignorant masses—ruin financially, ruin physically, ruin intellectually, ruin morally and ruin spiritually?

(3) Does the Government admit that total prohibition should be its goal, and is the Government prepared to commit itself once and for all to the policy of total prohibition and lay down a programme to gradually, honestly and vigorously reach that goal?

(4) Has the Government undertaken the cultivation of ganja in the district of Rajshahi for the amelioration of the condition of the ignorant masses?

(5) Has the Government redeemed the promise made last year on the floor of this House that legislation would be introduced to penalise opium-smoking, except by registered smokers?

(6) What steps, if any, have been taken to make good the promise made last year that in selected areas the sale of opium should be conducted under arrangements which would permit of a record being maintained and the nature of the demand, that is, whether for medicinal purposes or not?

(7) Will the Government be pleased to enlighten the House as to the disclosures made by the said experiment?

(8) Will the Government be pleased to explain by facts and figures to what extent, if any, the consumption of liquor and intoxicating drugs has been reduced by the operation of the policy enunciated in Government resolutions of August, 1921, and November, 1926?

(9) Has the Government considered and come to any decision as to the constructive suggestion made by Mr. K. C. Ray Chaudhuri at the last budget session to entrust the sale of liquor and drugs to a public board of trustees in consonance with the policy laid down by the League of Nations Opium Committee at Geneva?

(10) Has the Government considered and come to any decision regarding the suggestion made more than once by Mr. F. E. James to call a round-table conference of officials and representatives of the various parties in this House to discuss the whole question of excise policy and excise administration?

(11) Has the Government taken any action to give effect to the suggestion made last year by Sir Abd-ur-Rahim to intimate to the Government of India that Bengal does not want to make revenue out of this immoral traffic and ask them to adopt some other means to make up the loss?

(12) Has the Government considered the passionate appeal made last year by Dr. Roy to face the problem at once as it must face it some day?

(13) Has the Government bestowed one moment's consideration upon the suggestion which I had the temerity to make last year that the members of Government and other high officials should forego a part of their princely salary rather than meet the same out of the revenue made by such an immoral traffic?

Mr. H. S. SUHRAWARDY: Sir, I beg to oppose the motion that is before us and I may say at once, so that it may not be necessary to participate in the debate on similar questions, that I shall oppose all such motions which might tend to paralyse the administration. I am not in sympathy with those who might wish to use the voting on the Excise Department as a feeler against the ministry. These two questions must be kept absolutely apart and the question raised with regard to the administration must be decided on its merits: for whoever is the Minister the work of the department will have to be carried on unless it is abolished altogether or a new principle accepted when the department map need recasting. Now, the effect of this vote is that you may keep the department, you may spend money on the Excise Bureau, the Presidency Establishment, the District Executive Establishment, etc, but not on the administrative establishment, that is to say, you may spend money, but without guidance, without orders and without check. The position is absurd. If you want to abolish the Excise Department, you have Maulvi Asimuddin Ahamad's motion. No. 24.

5 P.M.

If you want to criticise the policy, as Babu Akhil Chandra Datta's questions would seem to imply, you have the mover's own motion for a token cut. Now we are in a bad way financially. We have to control expenditure and increase our revenue. We cannot afford on abstract questions of policy or for personal reasons to jeopardise the finance. We have a strenuous fight before us with the Government of India—our most implacable enemy—and we must not do anything which may tend to show that we do not appreciate our financial difficulties or realise our financial responsibilities. It must be our endeavour to see that not one pice of our revenue is jeopardised, and for this year at any rate the amendments will have to be examined from this view-point—and it applies with far greater force to the revenue-yielding Transferred Departments than to the Reserved Department, for in the former case the money which may be cut cannot be put back. We can afford to be irresponsible when responsibility is not put upon our shoulders; but we cannot play in a similar manner with the Transferred Departments. The Excise Department is the department which actually carries on the administration. It may be founded on the pleasures and the evil habits of the poor; prohibition may be a very proper policy for us to introduce—though the example of America makes us doubt the wisdom of the policy—but

in simple plain language—we cannot afford to be high and mighty, moral and sententious. The administration has got to be carried on. We have to shoulder our responsibilities; we have to show that we have done our best. There is no course left open to us but to support the Excise Administration. The amendment looks innocent enough. It looks like a reduction of Rs. 72,000 out of a demand of Rs. 22,00,000 but it is tantamount to a refusal of the administrative machinery. Its effect if passed will be to paralyse the Excise administration and hence I am emphatically opposed to it.

Mr. F. E. JAMES: Sir, I should like to congratulate Mr. Suhrawardy on his unusual keeness for protecting the administration of the Excise Department from any serious cut. I can well imagine that he may desire to be the Minister in charge of Excise one of these days.

There are one or two remarks I should like to make in connection with this demand. The first is that I was disappointed in not hearing from the Hon'ble Minister as to whether he proposes at an early date to divulge his policy in regard to the report of the Opium Committee. We should like to have his assurance that Government will at an early date take this House into its confidence as to its policy on this very important and far-reaching report.

The other remark I should like to make is in reference to the constitution of the Licensing Board. I understand that there has been a representation lately from an important commercial organization for representation on the Licensing Board of the interests which are engaged in the liquor trade itself. I have felt for a long time that the Licensing Board as it exists at present is constituted on an entirely wrong basis. Any body which has the task of considering the question of the distribution of licenses for the sale of liquor and drugs and dealing with applications for now licenses in respect of those two commodities should be purely a body of a judicial character. The body which at present exists cannot be said to be of a judicial character and I am not in the least surprised that the liquor trade is now trying to secure representation for its own interest on that body. I do not blame the Trade Board, though personally speaking I do not think they should get it.

My point, therefore, is that the whole character and constitution of the Licensing Authority should be changed and that in place of the present Board representing various interests including certain interests on either side there should be some judicial body set up which would decide these questions of applications for new licenses and representations from localities for the diminution of licenses in those localities. I hope the Hon'ble Minister who has declared on more than one occasion his interest in this matter will consider this suggestion very carefully.

If I may be allowed I would add one further word. Reference has already been made to the suggestion put forward in this House last year in regard to the summoning of a small conference of people from various sections of this House to discuss with them the excise policy of the Government. That suggestion I believe was made two years ago. Last year the Hon'ble Minister who was then in charge said that he would consider the matter and endeavour to arrange such a conference during the months succeeding the first Budget discussion. Owing to the fact I suppose that that Ministry was short-lived that suggestion was never carried out. I still venture to suggest that any Minister dealing with this important department should look into the future and should endeavour to anticipate in the most reasonable manner the demands of those who are at present working not only for the re-organization of the system of granting licenses but for a new orientation of policy in regard to the excise policy generally. I believe that if the Hon'ble Minister were to summon a conference of the type I have suggested so that all sections of the House might be represented and all opinions in regard to this difficult and complicated question of the distribution of liquor are fully considered, I am sure it would not only strengthen the hands of the Minister but also disprove the suggestion that Government is not sympathetic in this matter. Therefore the best thing would be to have their views incorporated in a revised policy and many of their grievances taken away.

The following motions were called but not moved:—

Mr. P. N. GUHA: "That the demand of Rs. 72,000 under the head '6A.—Excise—Superintendence' be reduced by Rs. 100 (page 43, Civil Estimate). [To draw attention to the exercise of supervising powers by the Collector of Excise, Calcutta.]"

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 72,000 under the head '6A.—Superintendence—Administrative Establishment' be reduced by Re. 1 (page 43, Civil Estimate)."

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, my hon'ble friend, Mr. Akhil Chandra Datta, has moved his motion. Anybody who will look into page 43 of the Civil Budget Estimate that has been presented here will find at a glance that it involves the salaries of the Commissioner of Excise and other gazetted officers as well as those of the Inspectors and Sub-Inspectors, clerks, servants, temporary establishment and all the other incidental expenses. Out of Rs. 1,20,000 of which Rs. 72,000 is voted and the rest—Rs. 48,000—is non-voted. It means that if this motion is passed the administrative establishment will have to be discontinued except the Commissioner of Excise and all the rest will have to go. I do not believe that as long as other sources of revenue could not be forthcoming this House will think of abolishing

this Department by passing this motion. If you are aware that just a few heads of revenue have been set apart for the Government of Bengal and one of them is Excise. If you say that this ought to go it must be replaced by some other source of revenue. So, I would appeal to my friends on the right to think seriously whether at this juncture they are prepared to give up the entire revenue of excise simply because they do not like this or that officer to be the administrative head of the Department. My hon'ble friend, Mr. Datta, has put certain questions. Sir, it is not possible for me to answer everything in detail. But what I gather is this: that he wants certain information from us as to whether by the policy that the Government has adopted for the administration of the Excise Department there has been a decrease in the consumption of the excisable articles. I have already told my friends in the beginning of my address that there has been a very great fall in the consumption of excisable articles and I may tell my friends from the figures I quoted. In the year 1920-21, 766,572 gallons of country liquor were consumed and in the year 1926-27 it fell to 627,962. From this my friend will see that about 150 thousand gallons of country spirit has been less consumed. From another figure that I quoted in the beginning my hon'ble friend must have seen that even in ganja in 1920-21, 71,473 seers of ganja were consumed and in the year 1926-27, 42,634 seers have been consumed. From this it can be seen that about 29,000 seers of ganja has been less consumed.

Sir, is this not a sufficient testimony for the good working of the Department.

Then my friend referred to some other question. He was thinking of having a public Board of Trustees to curtail the sale of excisable articles in Bengal. I think it is a new thing and to try it as an experiment now would not be possible.

5-15 P.M.

As regards total prohibition, I, as a Muhammadan, have always said that the total prohibition is the only aim that any Government should have, but, you know, here the country is not composed of only the Muhammadan element. My friend, Sir Abd-ur-Rahim, last year, I might mention, said that the total prohibition ought to be the aim and policy of the Excise Department. I cannot say that he was wrong from the religious point of view; rather, I think, he was absolutely right. India is not composed of only the Muhammadan element, India has got other elements—the Hindu and the European elements as well. So, when one thinks of prohibition, he must think of other elements. There are the aborigines, the Sonthals, the Bheels, etc., and they will have their drink. If you enforce the theory of total prohibition, they will resent. I had to deal with the Sonthals, and this I know that they must have their drink, and I do not believe that any person will dare to tell

them that they ought not to drink. Then come my European friends and they can very well plead their own case. These are the two important elements, really speaking, who want drink, and if I say that the drink ought to be denied to them, probably they will say, you cannot impose your will on us. So, you must devise some intermediate path in this matter. It is not possible to make everybody sober by legislation. Although from the religious point of view excise shops ought not to be opened anywhere, I would rather tell you and your friends that as Bengal is not composed of one section of people, as we have got to think of other sections, we cannot impose our will on them. I think that answers one of the questions which my friend the mover has raised.

My friend, Mr. James, has rather raised two points. One point is in connection with the Opium Committee's Report. I confess that I have not gone through it, it has just come to us as a confidential document and has not been published yet. But I can assure my friend, Mr. James, that this opium question is one of the questions which is really agitating everybody's mind. Nobody wants that a drug should be taken in any quantity by anybody without any restriction whatsoever, and I can assure my friend that we will try our best to accept the recommendations of the Committee although I do not know what their proposals are.

Next comes the question of the constitution of the Licensing Board. I may tell my friend, Mr. James, that so far as the constitution of the Licensing Board is concerned, it is composed of men of judicial temper and character. So far as Calcutta is concerned, the Board is composed of members most of whom are of judicial temper and character with Sir Deva Prasad Sarbadhikari as Chairman. Then there are three officers, some of whom come from the judicial and some from the executive branches. Then comes the Corporation element. The Corporation, as you all know, is composed of honourable people and it woud be rather wrong on my part if I say that their selection is bad. Then comes the Labour, and being the largest consumers it has got its own representatives too. The Muhammadan community and the Calcutta Trades Association also send their representatives. You will, therefore, see that my friend's contention that the Calcutta Licensing Board ought to be reconstituted does not seem to be absolutely right because the constitution, as it stands at present, is composed of honourable people, and it would be most impertinent on my part if I say that they are working dishonourably. Then as regards the Trades Association representation, of course I am not sure what would happen. So, I cannot tell the House what the decision will be on their representation. These are the only points that have been raised from all sides, and I think the reply I have given meets all the points. I hope my friends will look to the gravity of the question and see that such an important part of the revenue is not lost on account of jealousy or shortsightedness.

The motion of Babu Akhil Chandra Datta was then put and a division taken with the following result:—

AYES.

Bagchi, Babu Romes Chandra.
Banerjee, Babu Promotha Nath.
Banerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Narendranath.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Himatsingka, Babu Prabhu Dayal.
Hoque, Kazi Emdadul.
Khan, Babu Debendra Lal.
Lala, Babu Sareda Kripa.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Ray, Babu Radha Gobinda.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Ray, Mr. D. N.
Ray, Mr. Kiran Sankar.
Sarbadhikari, Dr. Sir Deva Pr
Sarker, Babu Naliniranjan.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.

NOES.

Abbott, Mr. E. G.
Acharjya Chaudhuri, Maharaja Shashi Kanta, of Muktagacha, Mymensingh.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Atiqullah, Mr. Syed Md.
Baksh, Maulvi Kader.
Barton, Mr. J. P.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Choudhury, Maulvi Golam Mawla.
Choudhury, Maulvi Khorshed Alam.
Cohen, Mr. D. J.
Dey, Mr. G. C.
Gowding, Mr. T. W.
Drummond, Mr. J. G.
Dutt, Mr. S.
Farequi, Khan Bahadur K. G. M.
Ghose, Mr. M. C.
Ghosh Maulik, Babu Satyendra Chandra.
Goenka, Rai Bahadur Badridas.
Gafran, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Lindsay, Mr. J. N.
Luke, Mr. H. R.
Macartney, Mr. J. S.
MacBeath, Mr. S. A.
Macdonald, Mr. A.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Morgan, Mr. G.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Nazimuddin, Mr. Khwaja.
Nelson, Mr. W. H.
Parrett, Mr. P.
Phelps, Mr. Trevor J.
Prentice, Mr. W. D. R.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur.
Raikat, Mr. Prosanna Deb.
Rauf, Maulvi Syed Abdur.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Reid, Mr. R. N.
Ray, Mr. Bijoy Prasad Singh.
Sachse, Mr. F. A.
Sanyal, Babu Sachindra Narayan.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Sen, Mr. Satish Chandra.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Skinner, Mr. S. A.
Suhrawardy, Mr. H. S.
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 35 and the Noes 69, the motion was lost.

Adjournment.

The Council was then adjourned till 2-30 P.M. on Tuesday, the 13th March, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 13th March, 1928, at 2-30 P.M.

Present:

The Hon'ble the President (RAJA MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers and 114 nominated and elected members.

DEMANDS FOR GRANTS.

6.—Excise.

Mr. PRESIDENT (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh): I may inform the members that only 45 minutes are left for the disposal of this subject.

Khan Sahib ABDUS SATTAR: There are two other motions in my name, items 22 and 23. If you permit, I would like to move all three together and say a few remarks on them all, and save the necessity of referring to them hereafter.

Mr. PRESIDENT: You had better take them separately.

Khan Sahib ABDUS SATTAR: I beg to move that the demand of Rs. 6,000 under the head "6C-Presidency Establishment—Allowances, honoraria, etc.—Fees to Pleaders" be refused.

With regard to this motion, it is not my intention to embarrass the Excise Department or put difficulties in the way of its administration. We all know that as long as Government will exist, the Excise Department will exist, as we have to depend upon it for certain of our expenses. Therefore, it is useless to think that there should be either total abolition or such abolition as would almost amount to prohibition of taking illegal and other things, though there are pious wishes and kind assurances from Minister after Minister that the policy of Government is one of reducing the consumption of exciseable articles, but we know that year after year the expenditure always increases, and we have a right to see to the internal workings of the Department and to see that justice is done to those working in it. With regard to this item, I find a very curious thing. Under the head of

"Inspection and Prevention—Calcutta Collector's Office," I find "Pleaders fees" have been put down in one column at Rs. 6,000. There was no such amount in 1926-27; in 1927-28 in the beginning there was no need, but in the revised estimate for 1927-28 provision was made under this head. Then again there are other items, Rs. 1,000, Rs. 2,000 and Rs. 8,000. All these items I cannot understand. I was thinking that the Department might do with one item. Two items in different places are not very clear. The reason is not quite clear why there should be provision for fees to Government pleaders and Government prosecutors in each different department. I think one of these two items, Rs. 6,000, should be omitted. If there is any explanation forthcoming I shall not press my motion.

MINISTER in charge of DEPARTMENT of LAND REVENUE (EXCISE) (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): If my friend will look at page 45 of the budget estimate he will find that fees to pleaders come under two heads, one under "Allowances and honoraria" and the other under "Supplies and services." These are the two items. One is the pleaders' fees as they are called, and the other is the amount that they probably get monthly as retaining fees. One allowance means the fee that is paid for the daily appearance of the pleader in some cases and the other means the amount that is paid monthly as a salary. These are the two different items. And this is the reason why we find in one place Rs. 6,000 and in another Rs. 1,000. From this explanation I think my friend ought to be convinced that the two amounts ought to appear in different places. In 1927-28 under the head "Supplies and services" the provision for fees to pleaders was at first put down at Rs. 8,000, but in the revised estimate it was reduced to Rs. 2,000, and this year we have provided for only Rs. 1,000.

The motion of Khan Sahib Abdus Sattar was then put and lost.

Maulvi ASIMUDDIN AHMAD moved that the demand of Rs. 2,11,000 under the head "60.—Presidency Establishment" be refused.

He spoke in Bengali, the English translation of which is as follows:—

"The Excise Department is responsible, on the one hand, for aggravating the poverty of the people and, on the other, for weakening their moral character. This department teaches men to be drunkards and leads them astray. What is it but injustice and oppression to encourage and indulge evil deeds and evil-doers by permitting excise shops to display signboards over them on public streets?

The only reason for the existence of this department is that Government derive a large revenue from it. But it should not be the

policy of any just Government to make money by making men irreligious, sinful, poor and drunk. Government waste crores of money and a refusal of this nominal sum for the Excise Department will no matter anything to them.

You may very well refuse this demand for once and see whether Government are paralysed and whether any good does not accrue to the country. America has abolished the Excise Department by legislation, why should not Bengal do the same?

I request all the members of the House to refuse this demand for experiment's sake, out of regard for righteousness."

The motion was then put and lost.

Mr. P. N. GUHA: The attention of Government was drawn to the subject matter of my motion yesterday by Mr. James; so I do not move the motion which stands in my name.

The following motions were called but not moved:—

Mr. P. N. GUHA: "That the demand of Rs. 2,11,000 under the head '6C.—Excise—Presidency Establishment' be reduced by Rs. 100 to draw attention to the conduct of the Licensing Board for the city of Calcutta and its *ex-officio* Secretary, the Collector of Excise."

Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 7,98,000 under the head '6D.—District Executive Establishment' be refused.

Khan Sahib ABDUS SATTAR: I beg to move that the demand of Rs. 29,000 under the head "6E.—Distilleries—Rewards" be reduced by Re. 1 (page 48, Civil Estimate).

My intention in moving this motion is to draw the attention of Government to the condition of the officers serving in this department known as petty officers. These officers get a very small pay probably beginning from Rs. 20 rising to Rs. 25, they hardly reach Rs. 30. Their work is the same as that of the Excise Sub-Inspectors and Inspectors; they have got to work very hard; their work practically corresponds to that of the Police Sub-Inspectors, whose pay and prospects are much better. The case of the peons of the Excise Department is also very regrettable; their pay is only Rs. 14 to Rs. 18, though their work is equal to that of the constables in the Police. The name of "petty officers" should be changed to S.I.E. If I get an assurance from the Hon'ble Minister that the case of these poor people will be considered, I will not press any of the motions standing in my name under this head.

The Hon'ble Khan MUSHARRUF HOSAIN, Khan Bahadur: My friend has drawn the attention of Government to certain points regarding these petty officers and the pay and prospects of the peons. In the course of his speech he has referred to certain matters relating

to these officers, but no petitions from these officers are before the Government. If petitions come, they will be duly considered. This is all that I have to say as far as these people are concerned.

The motion of Khan Sahib Abdus Sattar was then, by leave of the Council, withdrawn.

The following motions were called out but not moved:—

Khan Sahib ABDUS SATTAR: "That the demand of Rs. 21,000 under the head '6E.—Distilleries—Rewards to private persons' be reduced by Re. 1.

Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 22,40,000 under the major head '6—Excise' be reduced by Rs. 20,40,000."

Babu NALINIRANJAN SARKER: "That the demand of Rs. 22,40,000 under the head '6.—Excise' be reduced by Rs. 1,00,000."

2-45 P.M.

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that the demand of Rs. 22,40,000 under the head "6.—Excise" be reduced by Rs. 40,000.

As will appear it is not a token cut that is proposed in this motion, but a cut for the purpose of introducing economy in the department. The Hon'ble Minister in charge will kindly see that in spite of the fact that this year we are working under a deficit budget, there has been certain increase of expenditure in the Excise budget. To quote some instances, I will show him that on page 43 of the budget estimate, "Travelling allowance" last year was Rs. 5,500 in the revised estimate, but in the budget estimate of 1928-29 there is a provision of Rs. 7,000. Similarly the Hon'ble Minister will see that under "Establishment" he proposes to have an additional expenditure of Rs. 1,300. Under the head "Travelling allowance" at page 44 he wants an increased expenditure of Rs. 1,000. He wants three additional clerks in the Calcutta Collector's Office as will appear from the civil estimate, and by this he wants an additional expenditure of Rs. 1,000. Then I find that there is another heading "Rewards to private persons." The provision here has been put down at Rs. 25,000; similarly under the head "Superintendence" provision has been made at Rs. 1,38,000, whereas the figure was Rs. 1,32,000 in the revised estimate of 1927-28. Under the head "Inspectors and Sub-Inspectors" an extra provision of Rs. 10,000 has been made this year. Taking all these into consideration it will be quite possible for the Hon'ble Minister to make a total reduction of Rs. 40,000 as suggested. I would also draw attention to the fact that in the reserved side there has also been increased expenditure. I find there has been an increase of Rs. 12,000 under

the head "Contract contingencies" without any explanation as to why this has happened, although we have a deficit budget. "Contract contingencies" is one of the items I find in the budget which is sometimes responsible for many of the sins of omission and commission. Sir, I beg to move the reduction, especially when we are working with a deficit budget.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I find that my friend has got hold of several figures from which he has tried to prove that this Department is rather more extravagant in its expenditure than it ought to be, but I can assure him that the budget has been prepared with a strict eye on economy. As regards "Contract contingencies" and other expenses, they are only spent where necessary. As regards the cuts he suggests, if his prophecy is fulfilled, there will be much saving. This is a deficit budget, and the problem is to incur the expenditure which the department thinks necessary for carrying out its administration. My friend believes there may be savings; if there are, they will come back next year to the general fund; so I see no justification for my friend believing that the Department with their knowledge and experience of the work required, is extravagant in its expenditure. If my friend will look at page 48 of the budget estimates, he will find that there are two items one "Contract contingencies," and the other "Travelling allowances;" one has been reduced and the other has been increased.

I think that, in the general way that my friend has suggested, this Department is not so very exhorbitant in their demand for expenditure.

The motion of Khan Bahadur Maulvi Azizul Haque was then put and a division taken with the following result:—

AYES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Bagchi, Babu Remes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Prematha Nath.
Bannerjee, Babu Jitendralal.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Khorshed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gofran, Maulvi Abdul.
Gupta, Mr. Jogesh Chandra.
Haque, Khan Bahadur Maulvi Azizul.
Himatsingka, Babu Prabhu Dayal.
Hoque, Kazi Emdadul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Maulvi Tamizuddin.
Lala, Babu Sarada Kripa.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur.
Ray, Babu Radha Gobinda.
Ray, Dr. Kumud Sankar.
Ray, Dr. Bidhan Chandra.
Ray, Mr. D. N.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Nalniranjan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Solaiman, Maulvi Muhammad.

NOES.

Abbott, Mr. E. G.
Acharjya Chaudhuri, Maharaja Shashi Kanta, of Muktagacha, Mymensingh.
Ahamad, Maulvi Kasiruddin.
Atiqullah, Mr. Syed Md.
Cassells, Mr. A.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Choudhury, Maulvi Golam Mawla.
Cohen, Mr. D. J.
Dey, Mr. G. C.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Farequi, Khan Bahadur K. G. M.
Ghose, Mr. M. C.
Ghosh Maulik, Babu Satyendra Chandra.
Guha, Mr. P. N.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Khan, Mr. Razaur Rahman.
Lindsay, Mr. J. H.
Macartney, Mr. J. C.
MacBean, Mr. J. A.
Macdonald, Mr. A.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder,
Moberly, the Hon'ble Mr. A. N.
Morgan, Mr. G.
Nandy, Maharaj Kumar Sris Chandra.
Nelson, Mr. W. N.
Phelps, Mr. Trevor J.
Prentice, Mr. W. G. R.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur.
Raikat, Mr. Prosanna Deb.
Rauf, Maulvi Syed Abdur.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijay Prasad Singh.
Sachse, Mr. F. A.
Sanyal, Babu Sachindra Narayan.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Shah, Mr. Ghulam Hossain.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Skinner, Mr. S. A.
Suhrawardy, Mr. H. S.
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 45 and the Noes 54, the motion was lost.

3 P.M.

The following motion was called but not moved:—

Mr. KIRAN SANKAR ROY: "That the demand of Rs. 22,40,000 under the head '6.—Excise' be reduced by Rs. 100."

Babu JITENDRALAL BANNERJEE: In the absence of Babu Akhil Chandra Datta, in whose name this motion stands, I beg to move that the demand of Rs. 22,40,000 under the head "6.—Excise" be reduced by Re. 1 (page 42, Civil Estimate).

My object in moving this motion is to draw attention to the enormous powers now conferred upon the Collector of a district in the matter of granting licenses for excise shops and the gross abuses which have crept into the system accordingly.

At present, under section 34 of the Excise Act, the Collector is practically vested with unlimited authority so far as the granting of licenses is concerned. No doubt the Commissioner has nominal powers of supervision to a certain extent; but these powers of supervision are seldom exercised, with the result that the Collector remains the supreme and paramount authority and a great deal of abuse has crept into the system.

I shall illustrate my point by one example, from the neighbouring district of 24-Parganas and within a small area—the mill areas— of the Barrackpore subdivision, Eleven excise shops—country liquor, country spirit, foreign liquor, ganja and sidhi shops—have been granted to the members of one particular family, and that family resides in Calcutta at a place called Mondol Street. One family in its various ramifications having 11 shops in one district! I would like to know from the Hon'ble Minister how such things are possible; and if such things are possible, how is the Department to check smuggling and allied abuses. It appears that many of these licenses were granted—I shall name names—by one gentleman, Mr. Wilson, who was then Superintendent of Excise in that district, the same Mr. Wilson who is now Collector of Excise in Calcutta. And what is happening in Calcutta again under this same Mr. Wilson ? So far as the license of liquor shops is concerned, three of them have been granted to women. The idea is revolting to me and I hope it is equally revolting to the Hon'ble Minister himself; and again I should like to know from him how such things are possible, and who are the real people working behind it ? My own idea is that these evils have become possible only because you invest the Superintendents or Collectors, as the case may be, with such enormous authority without any adequate supervision, and the remedy would be for the Hon'ble Minister to appoint in each district a non-official committee which would be associated with the Superintendent and the Collector in the matter of granting liquor licenses.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: My friend Mr. Jitendralal Bannerjee has pointedly referred me to the conduct of certain officers of the Department of Excise and said that so far as the granting of license is concerned, it ought to be exercised not by one man of whatever position he may be, but by a body of men constituting a committee. I can assure him that this matter is receiving my very serious consideration and though I cannot tell him what will be done in this matter, I can give him this much assurance at present that whatever he has said will be remembered by me and whatever is possible to be done will be done by me. In view of this assurance I hope he will withdraw his motion.

The motion that the demand of Rs. 22,40,000 under the head " 6.—Excise " be reduced by Re. 1, was then put and a division taken with the following result:—

AYES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjea, Babu Promotha Nath.
Bannerjee, Babu Jitendralal.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.

Chaudhuri, Rai Harendranath.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Faroqui, Khan Bahadur K. G. M.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Babu Satyendra Chandra.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Goyal.
Hoque, Kazi Emdadul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan, Maulvi Tamiguddin.
Khan, Mr. Razaur Rahman.
Lala, Babu Sarada Kripa.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur.
Raikat, Mr. Prosanna Deb.
Ray, Babu Radha Gobinda.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarbadhikari, Dr. Sir Deva Prasad.
Sarker, Babu Naliniranjan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Solaiman, Maulvi Muhammad.

NOES.

Abbott, Mr. E. G.
Ahamad, Maulvi Kasiruddin.
Cassells, Mr. A.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Choudhury, Maulvi Golam Mawla.
Choudhury, Maulvi Khorshed Alam.
Cohen, Mr. D. J.
Dey, Mr. G. G.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Ghose, Mr. M. C.
Goenka, Rai Bahadur Badridas.
Gofran, Maulvi Abdul.
Guha, Mr. P. N.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Hussain, Maulvi Latafat.
James, Mr. P. E.
Lindsay, Mr. J. H.
Luke, Mr. H. R.
Macartney, Mr. J. G.
MacBean, Mr. J. A.
Macdonald, Mr. A.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Morgan, Mr. G.
Nelson, Mr. W. H.
Parrett, Mr. P.
Phelps, Mr. Trever J.
Prentice, Mr. W. D. R.
Rahman, Mr. A. F.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sachse, Mr. P. A.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Skinner, Mr. S. A.
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 50 and the Noes 45, the motion was carried.

Mr. PRESIDENT: The main demand is still open for discussion but as there is no more time I shall put it forthwith.

The motion that a sum of Rs. 22,40,000, as amended in Council, be granted for expenditure under the head "6.—Excise" was then put and agreed to.

7.—Stamps.

3-15 P.M.

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. A. Marr): On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 8,90,000 be granted for expenditure under the head "7.—Stamps."

The following motion was called but not moved:—

Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 45,600 under the head '7A.—Stamps—Superintendence' be refused."

Maulvi TAMIZUDDIN KHAN: I beg to move that the demand of Rs. 45,600 under the head "7A.—Stamps—Superintendence" be reduced by Rs. 100.

My object in moving this motion is this, that under this head there has been an increase of expenditure for which I do not find any explanation whatsoever. During the current year the estimate was Rs. 34,000 and the revised estimate was Rs. 35,200, but in the present budget for the next year the sum provided is Rs. 45,600. That means an increase of Rs. 10,400. I do not see that there is any necessity at all for this increase. It cannot be said that this increase is due to any rise in income, which has necessitated an increase of staff; but this is not the case. The staff remains what it was last year, and so far also as the income is concerned, there is no increment shown under that head. Therefore, I think, Sir, that this increase of Rs. 10,400 might have been easily avoided and this sum might have been provided for the transferred departments for which the Hon'ble Member and many others seem to have a good deal of sympathy. Again, Sir, I see that this refers to non-judicial stamps, and the value of these non-judicial stamps was enormously increased in 1922. That might have been necessitated by the circumstances prevailing at that time, but now, Sir, I think, normal conditions have come back and I ask the Hon'ble Member whether the Government is considering the question of doing away with this increase and going back to the rates prevailing during the pre-war time. By increasing the value of these stamps you have taxed not litigation for which there is every justification, but you have taxed innocent people and poor raiyats who have to borrow money for keeping their body and soul together. Therefore on these two grounds I urge this motion before the House.

Mr. JOGESH CHANDRA GUPTA: In supporting this motion for reduction I have to say one thing which is of very vital importance to the poor people. The charge under the head of "Superintendence," as the learned mover has shown, has increased, but as a matter of fact we find that due to absolute lack of any superintendence and any system of check, stamps are purchased from the stamp vendors ante-dated and conveyances are written on them simply because there is no system for prevention of purchase of stamps which are ante-dated. It is absolutely necessary, if the Government want to protect the innocent cultivators and ignorant people, to have such a system of check as will prevent the sale of such stamps, which are purchased in order to have faked documents written on them. Circle Officers are available,

other inspecting officers of Government are also available, but they will not go and initial the sale registers, so that subsequent interpolations might not be possible. In the district of Dacca, which has been a perennial source of trouble since the value of lands increased, there we have seen many cases where ante-dated stamps had been purchased by a competing buyer being disappointed and litigation occurred in consequence. Therefore I say that as there is such slackness of supervision there is no justification for raising the cost of superintendence in this way.

The Hon'ble Mr. A. MARR: Sir, part of this increase in the cost of superintendence is explained by the normal increments that the superior officers and the officers of the clerical establishment get every year, but if page 50 of the budget estimates be referred to it will be seen that the main increase is under "Contract contingencies," *viz.*, from Rs. 18,000 to Rs. 32,200. That explains practically the whole increase. It is due partly to different arrangements which have been made, by which stamps are now being printed and supplied from the Press at Nasik started by the Government of India instead of being sent from London. However, I can assure the mover of the motion that I will look into the question of "Contract contingencies" again, and if I can make any cut, I shall see that it is done.

As regards the point about the ante-dating of stamps, that raises a very big question which will have to be looked into, and I think in all probability the Civil Courts will have a good deal to say in the matter. I shall be glad if the gentlemen who referred to this matter will let me have any proposal that he may wish to make on this point. I think he will agree with me that it is a very big question which we cannot discuss now.

The motion of Maulvi Tamizuddin Khan was then, by leave of the Council, withdrawn.

Maulvi ASIMUDDIN AHAMAD: I beg to move that the demand of Rs. 8,90,000 under the major head "7.—Stamps (Reserved)" be reduced by Rs. 4,40,000.

He spoke in Bengali, the English translation of which is as follows:—

"I do not know why the price of judicial and non-judicial stamps has been increased. Judicial court fees have been raised to Rs. 11-8 from Rs. 7-8 per hundred rupees. The poor tenants of the village are being ruined by costly litigation as the result of this enhancement. I do not understand the reason why Government do not reduce judicial court-fees in view of the fact that the number of suits has increased."

Mr. PRESIDENT: The allotted time is up and I must put the question forthwith.

The motion of Maulvi Asimuddin Ahamad was then put and lost.

The time-limit under the head "7.—Stamps" having been reached the following motion was not put:—

Babu AMARENDRA NATH GHOSE: "That the demand of Rs. 8,90,000 under the head '7.—Stamps (Reserved)' be reduced by Rs. 100."

The motion that a sum of Rs. 8,90,000 be granted for expenditure under the head "7.—Stamps" was then put and agreed to.

8.—Forests and 8A.—Forest——Capital Outlay Charged to Revenue.

MEMBER in charge of DEPARTMENT of REVENUE (FORESTS) (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 10,62,000 be granted for expenditure under the head "8.—Forests and 8A.—Forest—Capital Outlay Charged to Revenue.

Several motions for reduction have been tabled against the "Forest" demand. It will simplify discussion if I be permitted to repeat what I explained last year. The Forest Department brings us a large revenue every year, which after deducting the expenses, is utilised for expenditure in other branches of the administration—both Reserved and Transferred. This net income,—even after taking into account the *whole* of the capital outlay—has been about Rs. 12½ lakhs every year, and last year when moving for grants under "8 and 8A.—Forests" I had hesitated to put before the Council the large increase which I really expected, and put the estimate of net income of the current year at Rs. 14 lakhs. As a matter of fact this income has turned out to be Rs. 17 lakhs, and there cannot be any denial that every pice spent has been well spent. A further increase is expected in the ensuing year. There are immense possibilities of forest exploitation in the province, and the more this department has scope to extend its activities the greater will be the income.

As I explained last year, in all works of forest exploitation, the first stage is to prepare what is called a working plan, which consists of marking out a given area of forest into blocks, enumerating the existing trees and then laying out a programme—usually of 10 to 15 years—of felling and planting. Roads and pathways have next to be opened out and quarters provided for the officers and staff to live in. To refuse provision for outlay on such works will mean foregoing a handsome revenue to the provincial exchequer, and stopping further expansion of

forest work. I trust the Council will refuse to accept such a suicidal policy. It is a pity that only Rs. 1¾ lakhs have been available for capital outlay next year as against about Rs. 2½ lakhs this year and 3¼ lakhs in 1926-27. But I hope there will be no effort to reduce the amount further. The increase in the establishment is nominal, *viz.*, from Rs. 8,01,000 in the current year's budget to Rs. 8,04,000, but considering the gradual expansion of work it must be said to be very moderate. There has been increase in conservancy, maintenance and regeneration work, and this must follow from the increased capital outlay. The test of the pudding is in its eating, and there cannot be any better test of the expenditure which is being incurred than the admirable result apparent from the increased income which we are deriving. I trust the Council will accept the whole of the demands under "Forest" now placed before them.

3-30 P.M.

Maulvi TAMIZUDDIN KHAN: I move that the demand of Rs. 4,05,000 under the head "8C—B.—Forests—Establishments" be reduced by Re. 1.

Sir, my object is to draw the attention of the Government to the paucity of Indians in the higher service in this department. Every one in this House knows that the Lee Commission recommended that at least 75 per cent. of officers should be Indians and that Report was published in 1924. I find, Sir, in spite of that, no serious attempt was made to Indianise the service; and even at present out of about 23 Deputy and Assistant Conservators, there are only 6 or 7 Indians. I would also draw the attention of the Hon'ble Member in charge to the paucity of Muhammadans in this service. I think there is scarcely any Muhammadan in the higher service. There are only two in the ranks of Deputy and Assistant Conservators of Forests. There are about 13 Extra Assistant Conservators amongst whom there is not a single Muhammadan. I should like to draw the attention of the Hon'ble Member in charge to this deplorable paucity of Muhammadans in this department and I hope he will see his way to appoint more suitable Muhammadans in this Department.

Sir, I find from the Financial Statement that there is an increase of about Rs. 30,000 over the revised estimate and that is due to partition of the Bengal Forest Circle into two circles. We also find from that statement that it has been sanctioned by the Secretary of State for India. The reason given is that this will result in more remunerative administration of the Forest Department. Sir, I demand to know how this will result in more remunerative administration. Unless the House is satisfied, I think we should think twice before we grant the demand. Of course we can easily say that it will be very remunerative to one fat-salaried additional Conservator; but I fail to understand how this will

really be remunerative to the department. And also the other question—the question of Indianisation—comes up there. If there is going to be another Conservator, may I know whether that Conservator will be an Indian or an European?

The Hon'ble Nawab Bahadur SAIYID NAWAB Ali CHAUDHURI, Khan Bahadur, of Dhanbari: Sir, since 1923, several appointments have been made to Indian Forest Service. Of these, six are Indians, and of them two are Muhammadans.

It is true that there is no Muhammadan in the Bengal Forest Service; but the rules of recruitment which are under preparation provide for adequate Muhammadan representation in this service.

The motion of Maulvi Tamizuddin Khan was then put and lost.

The following motion was called but not moved:—

Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 9,39,000 under the major head '8.—Forest (Reserved)' be reduced by Rs. 4,20,000."

Babu AMARENDRA NATH GHOSE moved that the demand of Rs. 9,39,000 under the head "8.—Forest (Reserved)" be reduced by Rs. 10,000.

3-45 P.M.

He spoke in Bengali, the English translation of which is as follows:—

"Sir, the motion, I am moving, is not to urge any reduction in the Forest budget as a lump sum from the whole amount demanded for the expenditure of the Forest Department but to refuse the amount required to meet the expenses of a particular Forest, namely "Atia Forest" in Tangail subdivision.

Atia Forest has newly been taken over under Government management at the request of its proprietors. As the amount, required for the management of the said forest has not been separately shown in the budget I request the House to refuse Rs. 10,000 from the major head with the clear understanding that I mean to refuse the salary of the men appointed there. The reasons for which I am pressing for this motion is lamentable. There is a big forest in Dacca and Mymensingh districts. Southern part is in Dacca and the northern in Tangail (Mymensingh). In this forest there are many *tilas* or *chalas* (elevated land) 25-75 in height, where Gazari (Sall) trees grow, and many cultivators live with their family. There are *bauds* (valleys) in the intervening spaces of the *chalas* which are very fertile and produce first

class paddy and "Hilly jutes." The Dacca portion is managed by the zamindars of Dacca, and the Tangail portion is again divided into three parts—northern part is managed by the Maharaja of Natore who is an hon'ble member of this House; the middle portion is managed by its landlords, your honour yourself (President) and your co-sharers; and the southern portion known as Atiagar was managed by Atia zamindars. Those *malics* of Atia being unable to manage their portion—the reason best known to them—have made over their *pahar* to the Government for its management. As a result the Government made it a "Reserved Forest" under the Indian Forest Act XVI of 1927. Would the Government acquire the culturable lands and homestead of the tenants then I would have to complain very little for this transfer, but the Government reserved the portions which have been recorded in the name of landlords in the Settlement record and excluded the lands (homestead and cultivated portion) recorded in the names of the tenants. My wound is there, Sir. Now all the laws of the "Reserved Forest" are applicable in the area. If you are pleased to pay a hasty glance to the section 26 and one section only—of the whole Act—then I am sure you will be thoroughly convinced that in consequence of the above arrangements the whole *pahar* area has become impossible for the people to live there and cultivate their lands. About 20,000 people will have to give up their homes and lands and they will have to go to Assam to take shelter in its forests with their children and wives. The scope of the said section 26 of the Indian Forest Act is so wide that anybody who wants to live there, as we do in the plains, he cannot but be liable to prosecution at least five times a day. To kindle fire is an offence; to keep one head of cattle will cause at least a hundred opportunities to the Foresters to prosecute the owner: to clear jungle for cultivation is an offence, etc. The procedure of prosecution and punishment are not at all palatable. The man will be arrested by the Forester and taken to a Magistrate of a place not less than 20 miles off—who can fine the accused Rs. 500, or send him to jail for six months, or sentence him for both. The man may also be liable to any amount of damage as D. F. O. thinks proper.

The difficulty is not one—if you light up your lamp you have chance to be prosecuted; if you prepare your food you have every chance for prosecution; if your cattle goes astray by chance you are sure to be convicted; if your boy of five years tears a leaf of a tree you are liable to prosecution and so on. Under the circumstances it is clear that the said *pahar* has become unfit for habitation and cultivation. Except a few exceptions most of these people are poor Muhammadan cultivators. They have been made homeless. They have been losing their lands and houses. These people did not get these lands as free gift from the landlords. They had to pay lakhs of rupees to the zamindars to take settlement; but now, Sir, they are going away, as street beggars leaving their properties behind without getting any thing in return.

There is another point, Sir. The culturable lands in the area in question produce jute and paddy worth lakhs and lakhs of rupees. The agricultural products are the only source of our national wealth. By managing to keep these lands fallow the Government has caused immense mischief to the national wealth.

Now I beg to discuss the reasons for which such transfer of management took place. A few landlords are unfit to manage their estate hence the Government in order to see to their interest, took the management of the forest. As a result 20,000 people are going to be homeless and street beggars. Can any man support this? Are those poor Muhammadans not loyal subjects to His Majesty? Sir, I beg to inform you that the Hon'ble Member, the Nawab Bahadur of Dhanbari, is one of the co-sharers of the said *pahar*. He is known to be an efficient zamindar of our district. We do not know if he has given consent to this transfer of management. Cannot he, Sir, take the management of Atia *Pahar* into his own hand? If not, then what audacity he has to take the responsibility of managing the Forest Department of the whole of Bengal? You, Sir, are managing your own *pahar* which is contiguous to this *pahar*. The landlords of Atia may make over their *pahar* to you for management and you may manage it keeping the interests of landlords and tenants intact. What you can the Government cannot—as its only weapon for managing the *pahar* is the Indian Forest Act.

I appeal to all the members and to the soft corner of their hearts. Just consider the situation of these poor tenants for a moment. I am sure every one will support me. Muhammadans are bound to support me—as 15 annas tenants are Muhammadans. The members of the Government side may support me as it is not a case of gain or loss of the Government—but a pure question of humanity. I hope one and all will support me and thereby gain the blessings of God.

Maulvi SHAMSUR-RAHMAN: I move that the demand of Rs. 9,39,000 under the head "8.—Forests" be reduced by Rs. 100 (to draw attention to the fact that there has been an abnormal rise in permit fees to the great prejudice of the local inhabitants one of whose main sources of livelihood is the taking out of forest produce).

Last year during the Budget votings I had the opportunity of bringing to the notice of the authorities the increase in the fees realised for gathering forest produce. Two kinds of fees are realised from the people who trade in forest produce. There is the permit fee for taking away the forest produce and the boat registration fee realised from the boats which are employed for bringing the forest produce. The total income has been increasing from year to year. In 1926-27 the income was Rs. 31 and odd lakhs, in 1927-28, Rs. 34 and odd lakhs and in 1928-29 the estimate is Rs. 35 lakhs. The total expenditure budgeted for is only

Rs. 1,75,000. In moving this amendment I intend to bring to the attention of the authorities the condition of the people in the neighbourhood of the Sundarbans. It extends into the three neighbouring districts of Khulna, Barisal and the 24-Parganas and is situated in a part of the country where the river water is enormously saline. In this saline area nothing can grow except paddy which depends solely on rain water and good protective embankments preventing the saline river water from rushing into the paddy fields and destroying the paddy crop. These areas are often subjected to flood due to heavy bores situated as it is so near to the sea. People find it hard to keep intact their protective embankments. Further they have to depend solely on rain water for rasing their only crop—the paddy. Their health and home and the procuring of all their family comforts are centred in this paddy crop.

Broken embankments and failure of rains are not rare phenomena here. When there is a failure of crop the neighbouring country is turned into a veritable arid waste. Nothing grows there. Even for the procuring of so ordinary a thing as plantain leaves, the people have to travel a good round number of miles to purchase them, and these have to be purchased from the sale-proceeds of paddy. Such being the state of affairs it seems to me that the Divine Dispensation in order to provide for these people a subsidiary means of livelihood to fall back upon in the days of dearth and famine, created the Sundarbans. In good old days they used to collect these forest produce and sell them in the nearest market and save themselves from starvation without any let or hindrance from the Government. But you are depriving them of what the Almighty in His Infinite Mercy provided for them by levying heavy fees.

I do not grudge some amount of fees for protecting the jungle itself, but the fees realised are too heavy a burden for these poor people to bear. In the days of failure of paddy—their only medium of exchange—they find it simply impossible to raise funds to procure the necessary fees. As such, I appeal to the authorities to lower the permanent fees and to stop collecting the boat registration fee. I for myself do not find any justification on the part of the Government to realise a boat registration fee. The boats certainly are not a forest produce.

Srijut NAGENDRA NATH SEN: Mr. President, I beg to associate myself whole-heartedly with the motion that stands in the name of my friend Maulvi Shamsur-Rahman. I come from the district of Khulna within which lie large tracts of the Sundarban forests. These tracts produce a great quantity of timber and fuel and other forest produce. People earn their livelihood by bringing these forest produce for sale in the neighbouring country. Of late the fees have been increased to such an extent that the poor people find it absolutely impossible to advance these fees and to go into the forest and to take the forest produce thereform. The result is that the price of fuel has become much

higher in Khulna, Barisal, the 24-Parganas and in the neighbouring districts than coal. Recently, speaking from personal experience, I had an occasion of going into the interior of Khulna which borders very near to the Reserve Forest Office, and to my utter surprise I found people using coke and coal as fuel instead of forest produce which is within a stone's throw. The difficulty of the poor people is not only to pay the high fees but also to conciliate the underlings of the Forest Department which is practically known to everybody. The forest officers who go on patrol duty are more apt to find fault with the forest licensees than to put a check on the illegal practices of the subordinate officers of the Forest Department.

I would also submit that when Government has this great income of Rs. 35 lakhs from forest produce, it is a matter of great regret that Government has not yet thought it fit to establish a school of forestry in Bengal. There is only one school of forestry in India and that is situated at Dehra Dun which is 1,000 miles away from Calcutta. The superior officers in the Forest Department in Bengal—at least as I find from the "Civil List"—do not possess any educational qualifications and they are not experts in forestry, and it is unthinkable why they should be allowed to occupy these high offices. Attention has been drawn to the fact that in the upper grades of the Forest Service the number of Indians—Hindus and Muhammadans—is very very low. Steps should be taken at once to Indianise the Forest Department, and it is not known why this is not a transferred Department.

[As the Hon'ble Member in charge of the Forest Department did not rise in time and failed to catch the Hon'ble the President's eye, he proceeded to read the motion, but afterwards he allowed the Hon'ble Member to reply.]

Maulvi ABUL KASEM: On a point of order, Sir. After you have read the motion how can the Hon'ble Nawab Bahadur reply?

Mr. PRESIDENT: That is absolutely left to my discretion. In the interests of the House and the public I should allow the Hon'ble Member to reply, so that all can know the views of Government in the matter.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: I may say at once that there is no increase in establishment over the current year's grant, but there is increase in conservancy, maintenance and regeneration work. This is only normal, rather less than what should be provided for normally to meet the requirements of forest expansion. I would repeat again that money spent on forest conservancy and regeneration is always directly remunerative and that it will be suicidal if even such

slow headway in developing the resources of our forests is retarded for want of funds. The revenues of the Forest Department have increased from Rs. 28·5 lakhs in 1925-26 to Rs. 34 lakhs in the current year, and this was due to opportunities given to the department by provision of funds for expenditure on conservancy, maintenance and regeneration and also capital outlay during the last three years. It has not been possible to find more than Rs. 1,75,000 for outlay during the ensuing year, but the works already done must be maintained and worked to sustain the revenue. Atia Forest has just begun to pay. No cultivated lands are being included in the Reserve Forests. If any person has got settlement of any land from one co-sharer landlord with even a 5 *gondas* share, the Forest Department has got orders not to interfere with that land.

Maulvi Shamsur-Rahman has taken objection to the raising of permit fees for forest produce in the Sundarbans. He raised the same objection last year, and it was explained that the rates for fuel wood—the main forest produce in the Sundarbans—were really cheap. The rate of Sundri in Khulna has remained practically the same since 1909, only in Bagerhat it was brought up from annas 12 to Re. 1, the same as in Khulna sadar, and that so far back as 1911. The increases in the rates of other fuel and *golpata* only followed the increases in the market prices of these products; but since 1914 there has in some cases been no increase, and when there have been increases, these have been very moderate. For example in Khulna from annas 10 to annas 12 in fuel wood and from annas 14 to Re. 1 in *golpata*. The demand for these articles and their market prices have considerably increased, and the profit is made mainly by the traders. There is no reason to think that the prices are in any way affected by the slight increases which have been made in the rates.

The forest in Khulna is the salvation of people who have lost crops. If fees are light in ordinary times, the produce will disappear too quickly. In famine years fees can be reduced.

There is a forest school at Kurseong where most Rangers and all Deputy Rangers are trained.

With these remarks I oppose the motions.

The motion of Babu Amarendra Nath Ghose was then put and a division taken with the following results:—

AYES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Promotha Nath.
Bannerjee, Babu Jitendralal.
Biswas, Babu Surendra Nath.
Bose, Babu Bejay Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jagindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.

Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gupta, Mr. Jogesh Chandra.
Hoque, Kazi Emdadul.
Khan, Babu Debendra Lal.
Laia, Babu Saroda Kripa.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Rahman, Maulvi Shamsur-.
Ray, Babu Radha Gobinda.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Dr. Sidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Suhrawardy, Mr. H. S.

NOES.

Abbott, Mr. E. G.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Barton, Mr. J. P.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Choudhury, Maulvi Golam Mawla.
Cohen, Mr. D. J.
Dey, Mr. G. G.
Dowding, Mr. T. W.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Eddis, Mr. A. McD.
Faroqui, Khan Bahadur K. G. M.
Ghose, Mr. M. C.
Ghosh Maulik, Babu Satyendra Chandra.
Guha, Mr. P. N.
Haque, Khan Bahadur Maulvi Azizul.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Kasem, Maulvi Abul.
Khan, Mr. Razaur Rahman.
Lindsay, Mr. J. H.
Luke, Mr. N. R.
Macartney, Mr. J. G.
MacBean, Mr. J. A.
Macdonald, Mr. A.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Morgan, Mr. G.
Nandy, Maharaj Kumar Sris Chandra.
Nazimuddin, Mr. Khwaja.
Nelson, Mr. W. H.
Parrott, Mr. F.
Phelps, Mr. Trevor J.
Prentice, Mr. W. D. R.
Rahman, Mr. A. F.
Raikat, Mr. Prosanna Deb.
Rauf, Maulvi Syed Abdur.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sachse, Mr. F. A.
Sanyal, Babu Sachindra Narayan.
Sarbadhikari, Dr. Sir Deva Prasad.
Sarkar, Rai Sahib Rabati Mohan.
Sattar, Khan Sahib Abdus.
Sattar, Mr. Abdool Razak Hajee Abdool.
Shah, Mr. Gholam Hossain.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Skinner, Mr. S. A.
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 39 and Noes 63, the motion was lost.

4 P.M.

The motion that the demand of Rs. 9,39,000 under the head "8.—Forests" be reduced by Rs. 100 was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahamad, Maulvi Kasiruddin.
Atiquilah, Mr. Syed Md.
Bagchi, Babu Romas Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Promotha Nath.
Bannerjee, Babu Jitendralal.
Biswas, Babu Surendra Nath.
Bose, Babu Bajoy Krishna.

Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Golam Mawla.
Choudhury, Maulvi Khershed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gofran, Maulvi Abdul.
Gupta, Mr. Jogesh Chandra.
Haque, Khan Bahadur Maulvi Azizul.
Hequa, Kazi Emdadul.
Huq, Khan Bahadur Maulvi Ekramul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal
Khan, Khan Sahib Maulvi Muazzam Ali
Khan, Maulvi Tamizuddin.
Lala, Babu Sareda Kripa.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Nem Chandra.
Nazimuddin, Mr. Khwaja.
Rahman, Maulvi Shameur-.
Rahman, Mr. A. F.
Rauf, Maulvi Syed Abdur.
Ray, Babu Radha Gobinda.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sanker.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan
Sattar, Mr. Abdool Razak Hajee Abdool.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Solaiman, Maulvi Muhammad.

NOES.

Abbott, Mr. E. G.
Barton, Mr. J. F.
Cassells, Mr A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Cohen, Mr. D. J.
Dey, Mr. G. G.
Dowding, Mr. T. W.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Eddis, Mr. A. McD.
Faroqui, Khan Bahadur K. G. M.
Ghose, Mr. M. C.
Ghosh Maulik, Babu Satyendra Chandra.
Guha, Mr. P. N.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Khan, Mr. Razaur Rahman.
Lindsay, Mr. J. H.
Luke, Mr. N. R.
Macartney, Mr. J. G.
MacBean, Mr. J. A.
Macdonald, Mr. A.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Morgan, Mr. G.
Nelson, Mr. W. H.
Parrett, Mr. P.
Phelps, Mr. Trevor J.
Prentice, Mr. W. D. R.
Raikat, Mr. Prosanna Deb.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Saehse, Mr. F. A.
Sanyal, Babu Sashindra Narayan.
Sarbadhikari, Dr. Sir Deva Prasad.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdue.
Shah, Mr. Gholam Hossain.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Suhrawardy, Mr. H. S.
Tate, Major-General Godfrey.
Thompson, Mr. W. H
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 54 and the Noes 52 the motion was carried.

Mr. PRESIDENT: As the allotted time is up I shall now put the motions to vote.

The motion that a sum of Rs. 10,62,000, as amended in Council, be granted for expenditure under the head "8.—Forests and 8A.—Forest—Capital Outlay Charged to Revenue" was then put and agreed to.

The time-limit under the head "8.—Forests and 8A.—Forest—Capital Outlay Charged to Revenue" having been reached the following motion was not put:—

Babu AMARENDRA NATH GHOSE: "That the demand of Rs. 1,23,000 under the head '8A.—Forest—Capital outlay charged to Revenue (Reserved)' be reduced by Rs. 10,000."

[At 4-15 P.M. the Council was adjourned and it reassembled at 4-30 P.M.]

9.—Registration.

MINISTER in charge of DEPARTMENT of EDUCATION (REGISTRATION) (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): Sir, on the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 20,33,000 be granted for expenditure under the head "9.—Registration."

The following motions were called but not moved:—

Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 16,600 under detailed account '9A.—Superintendence—Pay of Officers' be refused."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 82,000 under the head '9A.—Superintendence (Registration)' be reduced by Re. 1."

Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 19,51,000 under the head '9B.—District charges' be reduced by Rs. 10,00,000."

Maulvi ASIMUDDIN AHAMAD moved that the demand of Rs. 20,33,000 under the major head "9.—Registration" be reduced by Rs. 10,15,000.

He spoke in Bengali, the English translation of which is as follows:—

"The present motion for reduction is a protest against the enhancement of registration fees. At the present time the tenants of the village have got to register documents and deeds in all kinds of transactions concerning land, and the enhancement of registration fees in these circumstances is not only a source of loss to them but also a source of waste by Government of large sums of money obtained from them.

I do not know why registration fees have been enhanced and I want to know from the Hon'ble Minister why they should not be reduced.

Why they should not be reduced when cases of registration have largely increased and when the Registration Department derives such large income that after meeting all costs some surplus is left in its hands?"

Rai HARENDRANATH CHAUDHURI: Sir, I want to support the motion just moved by my friend Maulvi Asimuddin Ahamad. The registration fees were revised behind the back of the Council, and the administrative department did this without consulting the Council and without taking us into their confidence. In regard to "Stamps," we see that Government can afford to give relief to those who are the constituents of Banks by doing away with stamps on cheques and thereby to lose a revenue of nearly Rs. 4½ lakhs. When Government can afford to lose Rs. 4½ lakhs by simply doing away with stamps on cheques, how is it that they consider it necessary to tax the poor people further by raising the registration fees and making them double if not treble? In 1924-25 registration fees yielded as much as Rs. 25,35,000, and now after the revision it is yielding Rs. 40 lakhs; so Government is deriving Rs. 15 lakhs more from registration fees alone. If you are getting more and more revenue under "Stamps," then why should you be anxious to derive more revenue under "Registration" by increasing the registration fees. The poor mufassal people have been hard hit by the increase in registration fees. While Government is anxious to give relief to the city people by abolishing the stamps on cheques and forgo nearly Rs. 4½ lakhs, they are continuing to impose higher registration fees on the poor people. This is simply unfair and unjust. I, therefore, join in the protest of Maulvi Asimuddin Ahamad and I would request the Government to reduce the registration fees to the previous level as early as possible.

Khan Bahadur Maulvi SYED MAQBUL HUSSAIN: Sir, I also support the motion of Maulvi Asimuddin Ahamad and I join in the protest made by Rai Harendranath Chaudhuri. The registration fee was increased as a temporary measure, and there is no reason why this increase should be made permanent. This raising of the registration fee has been hitting hard the poorer people of the mufassal. It is strange that when big people are relieved of the payment for stamps on cheques, the poorer people should be taxed with increased registration fee for nothing. Of course, it might have been necessary to raise the registration fee during war time as a temporary measure, but there is no reason why the increase should be made permanent. (A VOICE: It was raised after the war.) So I also join my voice along with the protests of my friends and submit that the registration fee should be reduced as soon as possible.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, This motion is not for a small cut of Rs. 100 or so, but it means the reduction of the total demand by practically half. My friends opposite have tried to make out a case for reduction by saying that the registration fee has been unnecessarily increased, and so they urge that expenditure should be curtailed. But I would ask is it logical for them to say that because the registration fee has been increased, the expenditure should be curtailed? On the contrary some of my friends have been saying that the expenditure under this head has been less than what it ought to be. So it seems that there are two distinct opinions in this House on this question. The revenue derived from the increased registration fee, for whatever reason it might have been imposed at the beginning —I was not in charge of the Department at the time—goes to the general funds and is spent on general purposes. I am told that the extra money that has come from this increased registration fee has been given only to the transferred departments for being spent on those departments.

My friend, Rai Harendranath Chaudhuri, referred to the abolition of stamps on cheques, but I would remind my friend that this stamp duty on cheques was abolished not by the Government of Bengal but by the Government of India, and he of all persons should know that the actions of the Government of Bengal are quite different from the actions of the Government of India. The members are aware that ours is a deficit budget and I cannot recommend to Government a reduction of registration fees at present. But as a matter of fact we are concerned here not with the reduction of revenue under this head, but with the reduction of expenses. I would remind the members that if this motion is accepted, it will mean the dismissal of half the number of officers employed in the department. I would ask my friends to seriously consider whether they are really prepared to reduce the staff by half or to reduce the pay of the officers to half? These are the only

alternatives open if the motion before the House is accepted. I, therefore, ask them to consider the matter seriously and say whether they want any of these alternatives to be adopted.

The motion of Maulvi Asimuddin Ahamad was then put and lost.

Maulvi SHAMSUR-RAHMAN: I move that the demand of Rs. 20,33,000 under the head "9.—Registration" be reduced by Rs. 100 (page 58, Civil Estimate) (on the ground that the pay and prospects of the officers of the department are not commensurate with the income derived from the department, as also the people are hard hit by the increase in fees).

In moving this amendment I intend to draw the attention of this House to the way in which the fees realised for registration are pressing on the people at large. In recent years the fees for registering documents as well as taking copies of registered documents have been doubled. The income from this department is roughly speaking about Rs. 40 lakhs since 1926. The average expenditure is about Rs. 20 lakhs. The income thus comes to a figure which is more than double.

When this department was established it was given out that Government was not going to make any profit out of this department. Fees to the extent of keeping the department going will only be realised and nothing more. But what do we find now? By doubling the fees Government is making a large income at the cost of the poor people. I am told that bonds and raiyatwari leases form the bulk of the documents that are registered daily. The executants of these documents are generally the needy and the indigent section of the populace. When people are in want they need raise loans, but in order to raise it they have to execute documents for which they have to pay heavy fees for registration. The raiyats of Bengal are proverbially poor. As such this doubling of the fees has been pressing very hard on the poorer section of the people of the country.

In order to relieve these poorer people I think it is fair that the fees should be decreased appreciably, especially when the Government can well afford to do so from the earnings of the department itself.

The pay and prospects of the officers of this department are not very attractive. Sub-Registrars now-a-days are taken from men having the same qualifications as those of the Provincial Executive Service men. But what a gulf of difference exists in the pay and prospects of these two sets of people.

Further, I dare say that it must have been in the experience of all mufassal people that urgent copies from registration offices are difficult to be had when needed. It is said that the district offices are not supplied with the proper strength of clerks to cope with the work. This state of affair is deplorable and must be remedied at once. The

copyists are also paid on contract system to their great hardship. I am of opinion that these copyists should be placed on a fixed salary basis.

4-45 P.M.

Rai HARENDRANATH CHAUDHURI: Sir, I support the motion which has been moved by my friend, Maulvi Shamsur-Rahman. In answer to Maulvi Asimuddin Ahamad the Hon'ble Minister in charge did not say one word in reply to all the arguments advanced by us against the continued increase of the registration fees. He had no word to advance in support of that increase. He could urge nothing against our arguments. He only took shelter behind the argument that if Maulvi Asimuddin Ahamad's motion was carried the officers of the department would be hit. He just wanted to exploit the sympathy of the members of the Council for the officers of the Registration Department. He did not think it worthwhile to explain the reasons for the continuance of higher registration fees. How and when and why it was revised, probably he does not know. Nor did he explain whether the fees can be brought down now that Registration is yielding so much revenue and when Government is going to give up about Rs. 4½ lakhs under the head "Stamps" just for the convenience of those who have big bank balances and use cheques in the city.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, so far as the first point of my friend the mover is concerned, I may say that, as early as 1922, the officers of the Registration Department have got increments to the extent of about Rs. 4 lakhs. So, the pay and prospects of those officers have very recently been increased. Then, Sir, as to the other point, people are hard hit by the increase fees and I quite sympathise with them. I know any further taxation of whatever shape or form it may be will create hardship. But, Sir, unless some money is to come to the Government Exchequer, I am afraid the administration of the country cannot go on.

Sir, I admit that the poor raiyats have been very hard hit by it and I have sympathy for them. But, Sir, I have practically no control over this sort of thing. Well, Sir, this has been done by the Legislative Council before; and when the increase was made by the Council, they took into consideration all the facts relating to it. Therefore, Sir, I am not competent to say that I can in any way alter or revise the fees.

Then my hon'ble friend, Rai Harendranath Chaudhuri, attacked me by saying that I had given no reason whatsoever for the increase of taxation. May I remind my friend that so far as the reason is concerned, am I to find it out from him? He himself is sufficiently well advanced of political ideas and I am confident that the reason which

prompted Government to impose fresh taxation is quite obvious. It is the increase of revenue and the increase of revenue, from whatever source it can be tapped, Government will have it. If my friend still asks for any further reason for it I cannot give any reply other than that the Government was confronted with a deficit budget.

Rai HARENDRANATH CHAUDHURI: On a point of information, Sir. The Hon'ble Minister has just said that the tax was imposed with the consent of the Legislative Council when the Government found a deficit in the budget. Will the Hon'ble Minister kindly say in which year registration fee was revised?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I must frankly admit that it is by an executive order of the Government that the fee was increased.

Rai HARENDRANATH CHAUDHURI: In which year?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: In the year 1925.

Rai HARENDRANATH CHAUDHURI: Was that a deficit year?

The motion of Maulvi Shamsur-Rahman was then put and lost.

The motion that a sum of Rs. 20,33,000 be granted for expenditure under the head "9.—Registration" was then put and agreed to.

9A.—Scheduled Taxes.

The Hon'ble Mr. A. MARR: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 15,000 be granted for expenditure under the head "9A.—Scheduled Taxes."

Sir, this expenditure is explained in the Note attached to the Budget.

The motion was put and agreed to.

XIII. 15, 16 and 55.—Irrigation.

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 54,93,000 be granted for expenditure under the heads "XIII.—Irrigation—Working Expenses," "15.—Other Revenue Expenditure financed from ordinary Revenues," "16.—Construction of Irrigation, Navigation, Embankment, and Drainage works charged to Revenue," and "55.—Construction of Irrigation, Navigation, Embankment and Drainage works not charged to Revenue."

Good progress has been made in the construction of works connected with the flushing of the Gobra Nala in Murshidabad and Bhairab in the Meherpur subdivision of the Nadia district which were commenced during the year 1926-27 and it is expected that the former work will be completed before the coming monsoon and the latter in 1929.

A sum of Rs. 62,000 has been provided on account of the Salbund Weir Scheme in the district of Bankura. The work was originally taken up by the Salbund Co-operative Society but is has been decided that Government should take it over under the Irrigation Act on condition that the cultivators of the area which will be irrigated by the scheme will enter into contracts to take water under a 10 year lease. The Society will be relieved of all responsibilities and will be given a refund of all expenditure already incurred by them. The amount provided in the budget will be required for meeting the actual amount spent on carrying out the work and further improvements thereon. Including the departmental charge for "Establishment, Tools and Plant, Audit, etc.," the estimate of the project amounts to Rs. 77,000 and it is expected that the net revenue therefrom will give a return of 5½ per cent. on the above outlay.

The construction of the Damodar Canal which was commenced during the year 1926-27 will be pushed on during the year 1928-29. Owing to the delay in the completion of the construction of the railway siding from Panagar to the Head Works of the Canal at Rondia, the progress has not been so good as expected but work is now in full swing on this portion of the scheme and the excavation of the canal itself was started some time ago.

A start was also made during the current year with the construction of the Bakheswar Irrigation Scheme in the district of Birbhum. The collection of materials for the weir is in progress and a portion of the canal has been dug. It is expected that the scheme will be completed during the year 1930-31.

Work in connection with the construction of locks and sluices in the Lower Kumar river is in progress. The work should be completed in two years' time. The Amirabad Drainage Scheme in the Contai subdivision of Midnapore will be brought into operation this year. The Kashia Nala Scheme was completed in time to save the crops last year and an extension of the works is now under consideration.

Owing to financial stringency it has not been possible to provide funds for the excavation of the Alaipur Khal in the district of Khulna, and the construction of the Berai Irrigation Project in the district of Bankura for which schemes are ready and the Bamnigram Irrigation Scheme in Birbhum.

Several large projects have been sent to the Civil Officers to take action under Act VI of 1920, notable among which are Bhairab II,

Boalia Bhil and the Gangakhali-Suadighi Schemes: the Ampta Drainage Project has been re-estimated and will shortly be sent to the Civil Officers for action. The Dolai Khal Scheme has been sent to the Civil Officers for a further report on several important points. Though the department is working at many other important projects, there is sufficient construction work going on at present to employ the staff fully and it is necessary that an expansion of the department should be made as early as possible, if greater progress is to be made. We have received demands from all quarters which it is not possible to meet, but the department is in a position to carry on a continuous construction programme, given sufficient staff and funds.

5 P.M.

Babu NALINIRANJAN SARKER: I beg to move that the demand of Rs. 17,03,000 under the head "XIII.—Irrigation – Working Expenses" be reduced by Rs. 100.

Sir, the object of my motion is to criticise the work of the department and its policy. The chief preoccupation of the department as it is constituted to-day is the maintenance of navigation, embankments and drainage works. These works are responsible for the consumption of the bulk of the funds allotted to this department in the budget. Irrigation has the smallest share of the attention of the department though one would have expected quite the opposite. Not only is irrigation important but the care of navigation channels and embankments and drainage works could be profitably handed over to other departments. The Marine Department could for instance take care of the former while the Revenue and the Public Works Department may well be entrusted to the latter. But irrigation must be maintained as the sole charge of a separate department for it has a direct relation to the well-being of the people and the economic development of the province. Whether Government are conscious or not of the importance of irrigation their record of work in this sphere is anything but creditable. Large sums have been expended on schemes of no mean size, the help of much extolled experts was also secured but they have not till now succeeded in formulating any substantial scheme whatever, much less a comprehensive one. Even the Damodar Canal, now undertaken, is fragmentary and its efficiency is at best a matter of doubt. At any rate it is a matter for the future generations and the experts of the present time. But we have at the same time every right to demand the formulation of a comprehensive scheme which will not only answer fully our irrigational needs but would also help the solution of a few other problems which in Bengal have been found to have a close relation to the system of irrigation in vogue.

The need for such a well-thought-out comprehensive scheme will be evident from a comparison of the achievements of irrigation in Bengal

with that of other provinces in India. The Irrigation Departments elsewhere have turned large areas of arid and unfertile waste into beautiful farms, but in Bengal Government have reduced the granary of India into so many unproductive marshes raising a plentiful swarm of mosquitoes instead of a rich harvest of grain. The whole province is now a hot-bed of malaria and kala-azar. I shall not pay the Irrigation Department the compliment of comparing their work with the wonders wrought in Egypt and other parts of the world. But even judged by the standards obtaining in India the record of the Irrigation Department reflects but little credit on their capacity or efficiency.

How unfortunate is Bengal's position will be seen from the fact the area so irrigated in Bengal is one-fourth of such area in even North-West Frontier Province. The figures have only to be stated to realise the wide disparity between Bengal and the other provinces in matters of irrigation. The average area irrigated in Bengal from Government works in the triennium 1921-23 was one lakh acres, the lowest in India. The figures for other provinces were 71½ lakhs in Madras, 4¼ lakhs in Bombay Deccan, 34½ lakhs in Sind, 24½ lakhs in the United Provinces 10½ lakhs in the Punjab, 16¼ lakhs in Burma, 10 lakhs in Bihar and Orissa, 4½ lakhs in the Central Provinces and 4 lakhs in the North-West Frontier Province. The increased agricultural wealth due to Government irrigation works in the different provinces are thus recorded in official blue books: Madras Rs. 35·56 lakhs, Bombay Deccan Rs. 5·38 lakhs, Sind Rs. 10·54 lakhs, United Provinces Rs. 13·48 lakhs, Punjab Rs. 55·05 lakhs, Burma Rs. 8·12 lakhs, Bihar and Orissa Rs. 6·22 lakhs, Central Provinces Rs. 281 lakhs, Frontier Province Rs. 2·26 lakhs and Bengal Rs. 78 lakhs.

It may however be said that the Government of Bengal has no responsibility for this state of affairs. In pre-reform days the Government of India was wholly responsible for major irrigation works; but Government of Bengal had no hand in the matter of sanctioning capital expenditure for those works.

But as the following facts will show the Irrigation Department of Bengal is equally responsible with the Government of India for the present disastrous state of irrigation in the province. Their responsibility lies in the unwise expenditure and the consequent waste of the capital entrusted to them. Up to the end of 1923-24, the capital cost of Government irrigation and navigation works in Bengal was Rs. 4·22 lakhs while the value of the total crop raised in the irrigated area comes to a bare Rs. 78 lakhs with almost equal and probably in some cases even less capital expenditure in comparably better results in cultivation and productivity have been attained in Sind, Burma, Bihar and Orissa, Central Provinces and North-West Frontier. Madras has secured an yield of more than Rs. 35½ crores on a capital of a little over Rs. 12 crores while the Punjab gains Rs. 55·05 crores a year out of an investment of Rs. 25·43 crores. Thus if the proportion of capital expenditure

to the increased productivity of agricultural wealth is considered, the Irrigation Department in Bengal possesses the unenviable distinction of occupying the lowest place in India.

There is another point that reflects great discredit to the Bengal Irrigation Department. There are no productive irrigation works in Bengal. According to the official code the productive irrigation works are those which are expected to be self-supporting, that is, to pay for their working as well as interest charges. Even excluding works which are protective, is it not a disgrace that the experts in our Irrigation Department have not been able to plan and execute one irrigation project that is self-supporting while the net return on capital invested in irrigation works all over India is about 7·71 per cent. and in some provinces it is much higher? The return on capital on productive works in 1922-23 was Rs. 15·85 in the Punjab and Rs. 13·70 in Madras. It is clear that if the present policy of drifting is allowed it will not be long before Bengal will be impoverished beyond redemption. We have to press for the formulation of a comprehensive scheme of irrigation, a scheme which will be free from the whimsical vagaries of a few individuals and would be in the hands of a body specially fitted to discharge these grave responsibilities.

Besides the larger question of ensuring the economic development of the whole province there are considerations of immediate economy involved in my demand. For not only has this department failed to tackle the problem of irrigation but it has persisted in its course of spending money with reckless profusion.

I shall give only one or two examples. The Hoorhoora Khal has become famous by now. In reply to questions in this House, it was admitted by the oracle of this department that the work was taken as completed. In other words, it was stopped, when only a third of the estimated work was done and the whole of the sanctioned amount was nearly exhausted. The irresistible conclusion would be that either there was no necessity for undertaking such a volume of work or, if there was, the estimates were hopelessly beside the mark. In the former case it would appear that a larger volume of work was assumed in order to obtain the maximum grant. The other alternative is but a poor compliment to the efficiency of the engineers concerned. Whatever it was, the scheme has involved a tremendous waste and we have had to fork out a thousand rupees for this purpose in the budget year.

Here is another little thing. We find that the House must provide Rs. 15,500 for maintenance and repairs to the Dredger "Ronaldshay," that white elephant of the Grand Trunk Canal. The Canal is dead but this elephant subsists and the people have nothing else to thank for this but the wise head which in purchasing it in a hurry displayed more shrewdness and foresight than the best commercial magnates of

the present day. The maintenance and repairs charges, not to speak of interest charges on the capital outlay, must perforce be met while this dredger and several others are kept idle for want of work and for aught we know will be for eternity. Of inefficiency and irresponsibility this is probably the finest example. This is how Government express their deep anxiety and concern for the dumb millions of the land. The crying need, Sir, to-day is sanitary and economic improvement. Irrigation is the main factor in effecting such improvement. My proposal, expressed concisely, is that an Irrigation Board should be created with technical, financial and popular representation on it for formulating a comprehensive scheme, carrying it out and maintaining the works. Such a board will eliminate the present hopeless condition of Government having to depend on a single man's advice and capacity as well as the unhealthy procedure of doing everything behind closed doors. Funds, as and when necessary, could be obtained either from revenue or by loan and it will be the board's duty to find such funds and see to their proper utilisation. The mistakes so far committed should be boldly rectified even the *izzat* of the department and of its greatest exponent should suffer in the process.

Srijut BIJAY KUMAR CHATTERJEE: Mr. President, Sir, I beg to support the motion for reduction of the demand of Rs. 17 lakhs and odd under the head "XIII.—Irrigation—Working expenses." I do so with the express purpose of showing my want of confidence in the department that have systematically neglected the irrigation work in the different districts of Bengal and specially in the district of Bankura where it is needed urgently. I do not know whether this particular department is to be blamed, or the Government of Bengal as a whole is responsible for this negligence. Speaking for my district of Bankura, which is the poorest of all the districts of Bengal and where for failure of rains this year famine is raging over the district, I as extremely sorry to find that in the budget no provision has been made for undertaking the Birai Canal Scheme, which, I understand, has been approved finally for immediate work. But I am sorry to find that no provision has been made. It is well known that for want of proper irrigation work the people of this district are some of the worst sufferers. People cannot get drinking water, and they are dying by thousands, famine is a constant companion of the district and failure of rains brings about failure of crops. The soil is fertile, but the people die of starvation for want of water to cultivate their lands. It has been accepted by all that this distress of the district of Bankura can easily be removed if proper irrigation schemes be undertaken, and all agreed that if the Birai Canal Scheme, the Suvankar Daura Scheme and the Darkeswar Reservoir Project be immediately taken in hand the sufferings of this poor district can be removed. During the last ten years more than a lakh of persons died of starvation

and disease in this district. I trust that the Hon'ble Member in charge of this department will take some interest in this matter. I draw his special attention to these three schemes, *viz.*, the Birai Canal Scheme, the Suvankar Daura Scheme and the Darakeswar Reservoir Project and request him to do his best to save the people of the district of Bankura.

Rai HARENDRANATH CHAUDHURI: I beg to support the motion which has just been moved by Babu Naliniranjan Sarker. My friend Mr. Chatterjee has just said that there are certain urgent irrigation schemes in the Bankura district which require immediate attention, but no money has been provided in the budget for carrying out those schemes. Mr. Chatterjee should have been satisfied by knowing simply that a new Irrigation Division has been started in Bankura. While people insist on more and more effective irrigation works Government opens new and newer Irrigation Divisions and subdivisions. So, if the schemes be not carried into effect, Mr. Chatterjee has only to thank the ill-luck of the Bankura people. Certainly Government is not apathetic in this matter because, as I have said, it has recently started a new Irrigation Division in Bankura and it wants to spend more money on it. Then again, Sir, the Hon'ble Member in charge of the Irrigation Department has just now said that there was no money to give effect to the Alaipur Canal Scheme although the scheme was ready for execution. There was no money for taking in hand the excavation of the Alaipur Canal because people insisted that the canal should be excavated as early as possible to remove a long-felt difficulty. But money is not wanting, Sir, for creating a new subdivision in Khulna.

5-15 P.M.

Not only I find that a good amount of money was spent for the construction of the Khulna Executive Engineer's office buildings, but what is more remarkable is that instead of Rs. 10,400 provided for it in the budget of 1927-28, Government actually contemplated an expenditure of Rs. 27,400 behind the back of the Council. Government have not enough money to proceed with or start schemes which the people insist should be taken in hand, but they have enough money for these purposes. Again the speech of the Hon'ble Member of the Irrigation Department this year has been made in the usual set form but without any regard to the promises made last year. Last year in reply to one of our motions in connection with the Lower Kumar river, the Hon'ble Member—I stand corrected—the person presiding over the Irrigation Department, said that "the Hon'ble Member will visit these parts in the Madaripur Bil route in July and August next and get into touch with the local people and discuss the matter with them." May I ask if the Hon'ble Member has ever visited the area or not? If he had, then something in that connection ought to have been said

but in the introductory speech of the Hon'ble Member no reference has at all been made to that problem.

One more point and I have done. I find that in the Irrigation Department, although the budget is now prepared with fuller details, yet unauthorised expenditure goes on as before. As I told you before, only Rs. 10,400 was sanctioned for the construction of the Khulna Executive Engineer's office buildings but Rs. 27,400 was proposed to be spent in that connection, or rather that is the figure which comes under the head "Revised estimate." You can authorise unsanctioned expenditure for office and more Establishment, but whenever any urgent measure of irrigation is insisted on, the plea is always put forward that Government has no money.

Dr. KUMUD SANKAR RAY: I want to support the motion which has been moved by my friend, Mr. Naliniranjan Sarker. I don't want to say more than a few words at the fag end of the day regarding the district of Faridpur. The Irirgation budget has not provided anything for the betterment of the river Chandana. Since the year 1925 we were assured time and again that a survey was being made and that the next monsoon a survey would be taken up. We have been repeatedly asking Government as to what progress the survey has made and we have been told only after every two months' intervals that a survey was being made. That is the information I have been supplied with from time to time by the Secretary of the department. Now this is the way the district is being treated by the department. A scheme does not require money and I cannot congratulate the Hon'ble Member on the manner in which the whole department is conducted and also the way in which the replies are given. It is strange a scheme could not be made ready in three years' time; nothing is being done, but simply an obstructive procedure is adopted. I want to point out to Government whether it is not their duty to find out what irrigation works are necessary in the district, but instead of doing that, they are shelving the schemes submitted to them in this way. It is a disgrace that Government should treat requests for information from the representative of the districts on the progress made on urgent schemes with such scant courtesy, and I think that many members on this side of the House have had the same fate as myself in this matter. The deplorable state of the river Chandana is well known to many members of this House. Those who have any knowledge of the district of Faridpur will bear me out how malaria and kala-azar are ravaging both the banks of this river and a scheme for its improvements will not cost more than Rs. 80,000 or a lakh at the most. Since 1923, *i.e.*, the beginning of second period of the reformed Council I have been trying my best to move the Government in this matter, but although it is now almost six years nothing has materialised. I should have been satisfied even if a scheme only was presented. My friend, Mr. Chatterjee,

complained that no money was allotted although a scheme was sanctioned by Government for his district; but so far as my district is concerned, I have not been given a scheme even during the last six years. I strongly protest against the conduct of the department in shelving the question of dredging an important river with which the health and prosperity of the district is so intimately connected.

With these words I support the motion.

(The Hon'ble President was putting the question when the Hon'ble Irrigation Member stood up to make a reply.)

Mr. PRESIDENT: I think I should point out that although the Hon'ble Member has the right of reply the President is not bound to call him unless he rises in his place.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: The demand of Rs. 17,03,000 is for the upkeep of existing works for which capital accounts are kept. In some cases provision has been made for reconstruction of bridges which is necessary and as the works are in progress a commitment has been made. No reduction is possible in the amounts put down for "Maintenance and Repairs," "Establishment" and "Tools and Plant."

The mover has discussed the policy of the department: the programme of construction was very seriously interfered with by the war: the lives of valuable officers were lost and others were maimed, so that they could not return to duty. Prices soared to the skies and it has taken time to bring them down. Most of the difficulties arising from the war have now been overcome except the replenishment of the staff to deal with present-day demands. In spite of this, a new Division has been opened at Bankura to deal with irrigation schemes in Western Bengal and the Damodar Canal under construction is now under another new Division; officers have also been posted to Rajshahi and Dacca. The work on hand in addition to the maintenance of open works is sufficient to keep all officers more than fully employed and there have been cases of break-down due to overwork. Though a scheme for the expansion of the department has been approved by the Government, it is not possible to put it into operation next year due to financial stringency: the scheme provides for the creation of a third circle of superintendence, two new Divisions at Dacca and Rajshahi, and six new Subdivisions at Mymensingh, Chittagong, Jessore, Jalpaiguri, Malda and Jangipur and an equivalent staff of Overseers. When this expansion takes place the department will be much better placed for dealing with the very large increase in work which has arisen in recent years due to the demands from all over the province for new works.

I have already dealt in my previous replies with the general working of the department and Establishment charges.

In regard to the so-called failure of the department to solve the irrigation problem in Bengal it should be remembered that the solution cannot be carried out in one day: all we can do is to proceed at a pace which is measured by the supply of funds. The Damodar Canal now under construction will irrigate about 200,000 acres, and the Bakreswar Scheme in Birbhum, which has also been commenced, will serve an area of 10,000 acres: the Berai Scheme in Bankura is ready but cannot proceed for want of funds: the same applies to the Bamnigram Scheme in Birbhum: the Satkonia Scheme in Burdwan is expected shortly and will irrigate 15,000 acres: schemes are under preparation in the western portion of Midnapore which will irrigate about 20,000 acres and investigations are being made into many other irrigation cases in Western Bengal, the more important of which are the Darkeswar and Moore Schemes in Bankura and Birbhum. Several cases have been examined and have had to be abandoned because, after carefully gauging the discharges of the rivers, it was found that the supply was insufficient. In Malda, the Boalia Scheme has been sent to the Collector for action under Act VI and north of the Ganges we are working at several other important schemes. South of the river the Gobra Nala flushing works will be ready for operation this year and the Bhairab Scheme in Meherpur next year: the Gangakhali Soadighi Scheme in Midnapore is expected shortly from the Civil Officers and the Amirabad Scheme in Contai will be brought into operation this year: the project for improvement of the Aliapur Khal in Khulna is ready and awaits funds, while on the other hand the Dolai Khal Scheme in Dacca has been delayed due to the necessity for further enquiry into the financial position. In addition to the work I have mentioned, enquiries are being made into a large number of other cases and therefore I do not think the accusation can be brought against the department that little is being accomplished: as a matter of fact, the amount of new construction now on hand far exceeds that which has been done for a good many years.

In regard to the method of presenting the accounts, the Irrigation budget is now presented in far greater detail than was the case a few years ago and I see no reasons for altering the system: if the member has difficulty in following the figures I am sure the Secretary and the Chief Engineer will be only too glad to help him out of his difficulties.

With these words, Sir, I oppose the motion.

Rai HARENDRANATH CHAUDHURI: Is the Hon'ble Member in order in making a speech which does not cover the points raised by the speakers but which covers only imaginary points? In other words, the Hon'ble Member does not answer the points that were specifically raised by many members on this side of the House but has answered points that were not raised.

Mr. PRESIDENT: It is not up to me to suggest as to what course an Hon'ble Member should adopt to reply to the various points that

may be raised by members in the course of a discussion; it does not lie with me even to suggest that it is essential that he should remember what points were and were not raised.

Mr. KIRAN SANKAR ROY: We ask what is our remedy? When we reiterate our questions here and the Hon'ble Member does not reply, what is our remedy?

Mr. PRESIDENT: Order, order. The remedy, if any, lies with the members themselves.

The motion that the demand of Rs. 17,03,000 under the head "XIII.—Irrigation—Working Expenses" be reduced by Rs. 100 was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahamad, Maulvi Kasiruddin.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Promotha Nath.
Bannerjee, Babu Jitendralal.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Khorshed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Faroqui, Khan Bahadur K. G. M.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Babu Satyendra Chandra.
Gofran, Maulvi Abdul.
Gupta, Mr. Jogesh Chandra.
Haque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Karim, Maulvi Abdul.
Kusem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan, Khan Sahib Maulvi Muazzam Ali.
Lala, Babu Saroda Kripa.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Shamsur.
Raikat, Mr. Prosanna Deb.
Rauf, Maulvi Syed Abdur.
Ray, Babu Radha Gobinda.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sanyal, Babu Sachindra Narayan.
Sarker, Babu Naliniranjan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Suhrawardy, Mr. H. S.

NOES.

Abbott, Mr. E. G.
Cassells, Mr A.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Day, Mr. G. G.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Ghose, Mr. M. C.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Lindsay, Mr. J. H.
Macartney, Mr. J. G.
MacBean, Mr. J. A.
Macdonald, Mr. A.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. M.
Mukerji, Mr. S. C.

Nelson, Mr. W. H.	Sarbadhikari, Dr. Sir Deva Prasad.
Parrett, Mr. P.	Sarker, Rai Sahib Rebati Mohan.
Prentice, Mr. W. D. R.	Sattar, Khan Sahib Abdus.
Rahman, Mr. A. F.	Skinner, Mr. S. A.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.	Tate, Major-General Godfrey.
Reid, Mr. R. N.	Thompson, Mr. W. H.
Sachse, Mr. F. A.	Travers, Mr. W. L.
	Wordsworth, Mr. W. C.

The Ayes being 54 and the Noes 34 the motion was carried.

Adjournment.

The Council was then adjourned till 2-30 P.M. on Wednesday, the 14th March, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Conucil assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 14th March, 1928, at 2-30 P.M.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh), in the Chair, the four Hon'ble Members of the Executive Council and two Hon'ble Ministers and 113 nominated and elected members.

Unstarred Question.

(answer to which was laid on the table).

Expenditure on Primary Education.

72. Maulvi ABUL KASEM: (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to state—

(*i*) what was the recurring grant for primary education in Bengal for 1913-14, and

(*ii*) what was the grant for the same in 1926-27?

(*b*) Will the Hon'ble Minister be pleased to state what was the total capital expenditure on primary education for the period 1913-14 to 1926-27?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur) (*a*) (*i*) In 1913-14 the recurring grant for primary education was Rs. 18,70,556.

(*ii*) In 1926-27 it was Rs. 24,75,000.

(*b*) Figures for capital expenditure separately for primary education for the entire period from 1913-14 to 1920-21 are not available. The figures for such expenditure for the years from 1921-22 to 1926-27 are as in the annexed statement.

Statement referred to in the reply to clause (b) of unstarred question No. 72.

Year.	Grants to local bodies.			Direct grants.	Total.
	Capital charges for construction of Panchayat Union Schools.	Capital charges for repairs of Board Primary Schools.	Capital charges for Boys' Schools.		
	Rs.	Rs.	Rs.	Rs.	Rs.
1921-22 ..	1,20,000	82,552		1,60,416	3,62,968
1922-23 .	1,09,000	82,552	. . .	1,04,341	2,95,893
1923-24	92,000	82,552	25,000	64,912	2,64,464
1924-25 ..	84,000	82,552	15,000	80,545	2,62,097
1925-26 ..	1,78,000	1,00,002	50,000	69,918	3,97,920
1926-27	55,000	1,00,002	25,000	10,663	1,90,665

A MEMBER: Will the Hon'ble Minister be pleased to state whether this sum of Rs. 24,75,000 includes that made to primary schools aided by District Boards?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Yes.

A MEMBER: Will the Hon'ble Minister be pleased to state whether this increase is due to the increased number of schools?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I want notice of this.

Babu MANMATHA NATH ROY: Will the Hon'ble Minister be pleased to state whether this reduction in direct grants from Rs. 1,60,416 to Rs. 10,663 during these six years is any indication of a definite policy of Government; and if so, what is that policy?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I want notice.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Minister be pleased to state why there has been this progressive decline in capital expenditure on primary education from 1921 to 1926?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Most of the amount has been spent on recurring expenditure.

Motion of " no confidence " in the Ministers.

Maharaja SHASHI KANTA ACHARJYA CHAUDHURI, of Muktagacha Mymensingh: Under section 84A of the Bengal Council Rules and Standing Orders I beg to ask for leave to move a vote of " no-confidence " in the two Ministers of which I have given notice.

Mr. PRESIDENT: May I have your written notice.

(The written notice was handed over.)

Mr. PRESIDENT: Leave has been asked for by Maharaja Shashi Kanta Acharjya Chaudhuri, of Muktagacha, to move a motion of " no-confidence " in the Ministers, and I should like to know whether he has the leave of the Council. As many as are in favour of the motion will kindly rise in their seats.

(A count was taken, the requisite number being in favour, leave was granted.)

Mr. PRESIDENT: Leave is granted and under the rules I have to fix a date. It has been represented to me that under section 18 I have to obtain the consent of the Leader of the House as to whether he would like me to take up the motion on one of these days.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I do not object to the motion being taken up, but I do object to Government business being encroached upon during these days by this motion. You have already referred to section 18 of the rules; I have nothing further to add.

Mr. PRESIDENT: Am I to understand that you object to my taking this motion on any day up to the 27th?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Yes.

Mr. PRESIDENT: That is not possible. Under section 84A I have to fix a date within ten days from to-day. I will provisionally fix Wednesday, the 21st, subject to His Excellency's approval. Unless His Excellency disapproves the action that I am provisionally taking, that date will be fixed for the discussion. In case His Excellency fixes any other day, that will be communicated to you to-morrow.

2-45 P.M.

Dr. BIDHAN CHANDRA ROY: May I know the hour?

Mr. PRESIDENT: Immediately after questions.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: If that is *Id* day, will it be possible for us to attend?

A MEMBER: That is not *Id* day.

Mr. PRESIDENT: I provisionally fix Wednesday, the 21st subject to His Excellency's approval.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: If that is not *Id* day, I have no objection.

DEMANDS FOR GRANTS.

XIII, 15, 16 and 55.—Irrigation.

Khan Bahadur MAULVI AZIZUL HAQUE: I beg to move that the demand of Rs. 1,36,000 under the head "15A.—Irrigation Works" be reduced by Rs. 100 to draw attention to the heavy establishment charges and to its working.

When I gave notice of this motion, little did I realise that the condemnation of the Irrigation Department would come from so prominent a person as Sir William Wilcoks, one of the greatest authorities on irrigation problem that we know of. The Department of Irrigation hitherto has been existing for trade, traffic and navigation and considered little for the economic development or of sanitation of the people, with the result that to-day we know that the Department of Irrigation has no river nor waterways policy whatever. The schemes of this department are the bye-product of individual idiosyncrasies or whims of particular officers of this department. The country has been waiting ever since the days of Reforms for a definite policy, now that Irrigation is a provincial subject. So long as it was an Imperial subject that could not be done. We have now our finances to look to, now that it is a provincial subject, and the time has come for us or our representatives to speak and declare what that policy should be, and I hope, the Hon'ble Member will do something in order to reconcile the public demand with the needs of the department. But what do we find to-day? A number of isolated, disjointed schemes, but no comprehensive programme or policy of any kind. In past years we have found that during the time of the general discussion of the budget the Hon'ble Member in charge of Irrigation used to give answers on the general policy of the department. For some reason, I do not know why, that constitutional convention of replying to the debate during the general discussion has been abandoned by Government since last year. I submit that this is practically taking away one of the rights of the Council.

To come to my point, irrigation has never been thought of except as to its potential value for so many inland sources of traffic. Whether it is a question of the Bhagirathi or the Madaripur Bheel, or the inner and outer boat routes, we find that in the interests of navigation the expenditure of lakhs and crores has been incurred. Looking up only this morning I found in an interesting book that in the interests of navigation the River Kumar was closed at its off-take from Mathabhanga by sinking caissons filled with bricks and boats laden with earth to diminish its flow. That was in 1820, and it was simply in the interests of the Calcutta Port. We are still reaping the benefits of the policy initiated about 100 years back. Since then the constitution of the Government has progressed much to-day. In the meantime the problem of water scarcity has come to be more and more chronic throughout Bengal; several commissions have come and gone and, whether Irrigation is an Imperial or a Provincial concern, have unanimously commented that water scarcity is very chronic in the province, especially in the districts of Nadia and Jessore. The Irrigation Department has however allowed our rivers Churni, Ichamati, Bhairab, Jalangir, Bhagirathi, Nabaganga and Kumar to get choked up, and we have been told by the greatest river engineer that it is a hopeless task to try to revive them; we are given no reason for this. Are we paying large salaries simply to be told that this a hopeless task. I ask the Hon'ble Member in charge of the department, how many times his Chief Engineer has gone to the local areas to find out any definite solution of the problem. I ask whether the Chief Engineer has even chosen to acquaint himself with the local surroundings. On the other hand, as a contrast I find that another Great Engineer has come to this country and has condemned the policy of the Irrigation Department in no unscathing terms and no notice of this has been taken by the Government. In a country like Bengal with its abundant rainfall, with its subsoil water level, it should be quite an easy problem for any river engineer to tackle. There are other countries where the situation and circumstances are entirely different. The establishment charges are however going higher and higher. To quote only a recent instance. The Government of Bengal appointed a Retrenchment Committee, I do not know with what intention, but they made definite proposals, and I quote from the report of the Committee which says that establishment charges are unduly high. That was in the year 1922-23, when the establishment charges were Rs. 9,29,594, and to-day I find it is roughly about Rs. 14 lakhs. Where are the talks of retrenchment? Are these Rs. 5 lakhs of additional expenditure justified within last few years? Are we to understand that these charges have risen simply because the budget of the Irrigation Department is a phenomenon not intelligible even to the Hon'ble Member in charge, not excluding his Secretary? One of the comments of the Retrenchment Committee was that the accounts as presented in the Budget are notorious for their complexity. This committee was composed of an I.C.S., officer, one of the greatest business

men who have been most successful in life, and another was an able lawyer; even they found the greatest difficulty in ascertaining facts. I ask the Hon'ble Member whether the accounts are prepared in this manner so that they may not be intelligible to the average man, and that the people may not really understand the reasons for this increased expenditure. I will not say much, but only show you an instance as to how this budget is presented. I find in the Irrigation Department budget a particular scheme is noted and which we have to accept; the word "Amirabad" is written. I do not know whether this is an animal, a beast, a river, a tank or a scheme of irrigation. I find in another place "refuge mounds." Refuge mounds of what? Are they refuge mounds for burying the many schemes nurtured in the cool shade of the Chief Engineer's Room in the Secretariat. Then there is another item. I want to know what the word "Monikhali" means. Will the Hon'ble Member kindly prepare a dictionary so that we may find out the meanings of these words? So far as the question of establishment charges is concerned, I find that in spite of the high establishment charges, the general complaint is that the local conditions are not known to the department. I will give one instance, as to how schemes are prepared. You know we have sanctioned a very large amount of money for the Bhairab Cut in Nadia district. The other day it came to our notice that this has been done without any reference to the District Magistrate, the District Board or the people concerned. I want to know whether this is the way in which the Irrigation Department can possibly expect to do things. If you will consult the District Officer, the District Board and the local people, they will always be able to tell you much better and that the whole Bhairab project is bound to fail unless something is done for the Sealmari project in Murshidabad district. Yet nothing is being done for this project. And we are spending Rs. 1,50,000 only because we will get a water spill there 15 days in every year. This is how local conditions are being studied by the department.

I will not say anything so far as the dredgers are concerned because I have another motion in this connection, but I do say that these dredgers are adding to the establishment charges without any corresponding benefit to the public. If the Hon'ble Member will kindly make an inquiry into these establishment charges, he will be able to find the reason why a project like the Grand Trunk Canal was sanctioned and a dredger purchased even before the scheme matured. The general feeling is that this department has no concern with the actual realities and surroundings, but it chooses to do things from the Secretariat without even consulting the local officers on the spot.

Else I wonder how such an answer could be prepared in reply to Khan Bahadur Ekramul Huq that the river Jalangi was not a running stream. In these circumstances I do move that the demand be reduced as a protest of the House against the establishment charges which are much too high and incommensurate with the work done.

3 P.M.

Babu MANMATHA NATH ROY: Sir, I beg to move that the demand of Rs. 1,36,500 under the head " 15A.—Irrigation—Irrigation works " be reduced by Re. 1.

Sir, I bring forward this motion in order to discuss the policy and work of this department. There is no doubt that the problem of proper irrigation is a matter of vital importance to the country and that the health and wealth of the country depend upon a proper solution of the question. In discussing the present question I shall use the opinion of a great expert, I mean Sir William Willcocks, who only the other day, under your presidency, Sir, deilvered at the British Indian Association an interesting address dealing with the present question. We have it on the authority of Sir William Willcocks that the decay of both health and wealth is due to the fact that the country has been deprived of its rich red flood water owing to the silting up of ancient canals. We have it from him, Sir, that health and wealth had always accompanied the system of "overflow irrigation," which had been evolved by the wisdom of the great Kings of ancient Bengal and which for thousands of years had ensured the full use of the red water of the Ganges flood. We have it again from him that malaria and poverty have followed the abandonment of this overflow irrigation. Our benign Government has always claimed the trusteeship of the dumb and poor millions, but Sir William Willcocks has deplored the apathy and inaction of Government. In his words, the Government of India have never identified themselves with the people of India. They acted as if they had no duty or obligation to the poverty-stricken people. It is for this reason that they turned down the most necessary projects and delighted in reclaiming deserts where there were no poor people to provide for. In Egypt, however, the Government and the people are considered as one. We have it again from the same expert that if Egypt had been treated like India, it would have been a howling wilderness to-day. The monsoon rainfall has saved Central Bengal from this fate and has concealed the decay of the system of irrigation, but its plight is bad enough. We have it also on the same authority that miles and miles of the great canals have been allowed to be silted up and degraded. This neglect has been called the hand of God, while the canals have been called rivers. Sir William Willcocks considers that the Drainage Committee of Bengal is wholly wrong in calling the uncleaned canals as dead rivers. Sir William declared that they were canals dug by men. In his opinion success will be assured if we project our works on the spacious lines of the men of old. The overflow irrigation of Bengal is no hole-and-corner patch work doomed to failure like the ridiculous Midnapore and Eden Canals, which lose money and play at irrigation. It is not engineering, Sir William says, as he has learnt it, to design works which put second things first and first things second. Sir William Willcocks again calls upon the engineers

to reject their own proposals in the Damodar project and do an act of simple justice to a population whose number cannot be under a million. In the words of this great expert, the real remedy is the restoration of the perfect system of overflow irrigation. The canals must be restored and must have all obstructions removed and cleared under a scheme spread over a reasonable number of years, each year's experience being a guide for the following year. Sir William Willcocks again laments that although Bengal has poured millions upon millions into the common treasury of the whole of India, this province where has lain the seats of Government for 150 years has become poorer and poorer and more unhealthy. We in this Council expect our irrigation expert—I mean the Hon'ble Nawab Bahadur—to give us his opinion on the points which I have placed before you. Those considerations, however, give rise to distressing and painful reflections. They indicate to a very large extent the glorious isolation from the vital needs of the people in which the Government moves. If this is a sample or specimen of the policy of the Government, it only justifies the widely accepted verdict of the people that our Government is based upon the policy of economic exploitation and that the Simon's Commission is a further attempt to consolidate and stabilise this exploitation.

Mr. W. H. THOMPSON: Mr. President, Sir, the mover of this motion has criticised Government's irrigation policy in general terms. Both he and the last speaker referred at some length to that very interesting lecture at which you presided, Sir, last week—the lecture given by Sir William Willcocks. The lecture was not largely attended and perhaps I may preface what I have to say by summarising Sir William Willcocks' conclusion. The main theme was that the land requires silt-laden water: he called it the red water of the flood. That Sir, is incontestable. It is the flood water which has produced such prosperity in Egypt and probably in ancient days in Mesopotomia. Sir William Willcocks dealt with Central and Western Bengal. Western Bengal is a country of embanked rivers. The rivers are trained between bunds. Sir William Willcocks called them Satanic chains and he would have them levelled to the ground. As for Central Bengal, Sir William Willcocks affirmed that the whole countryside in ancient days had been covered by a net work of artificial irrigation channels and that that net work could be resuscitated by means of a barrage, which he suggested should be placed across the Ganges, some few miles above Sarda in Rajshahi some 20 miles above Sarah Bridge. Sir, it is a great pity that we did not, while he was out here, get a more considered opinion from him. He is one of the greatest authorities on irrigation; he is probably the greatest authority in the world on the delta of the Nile. He came to Bengal for a short time and fell into the hands of Dr. Bentley and was taken into Central Bengal and I believe as far as Dacca. If he had been taken down to the sea face, if he had been taken to Sandwip, Hatia, Dakhin Shabazpur or even as

far as Barisal, he would never have been led into the mistake in which Dr. Bentley led him. He would have realised that between the circumstances of the formation of delta in Bengal and the circumstances of the formation of delta in the Nile there is a radical difference. The Nile falls into the Mediterranean a tideless sea, the Ganges and the Meghna fall into the Bay of Bengal where there is 16 feet tide. Your chemists will tell you that it is a scientific fact that the deposit of silt takes place most completely at the point at which fresh water bearing silt meets water with salt in solution. At the mouth of the Nile this is a comparatively definite point; it does not change. In the delta of Bengal according to the tides and according to the season you may have salt water at Narayanganj and you may have perfectly fresh water at the southern end of Sandwip. The difference in the resulting deltaic formation in the two localities is most obviously seen if you will look at the nautical maps of these deltas. If you look at the nautical map of the Nile delta showing the depths you will see that the 5 fathom line is within a few hundred yards of the shore. If you look at the nautical map of the Ganges and the Meghna, you will see that the 5 fathom line is 35 miles from the nearest land. In this part of the world the rivers form a wide shelf out into the sea. The existence of this shelf means two things. It means that the formation of land at the mouth of the delta is much more haphazard and fortuitous than it would be and is at the mouth of the Nile. If two hundred years ago the zamindar of Bhulua in Noakhali had sunk a ship-load of cement in the mouth of the Meghna off the coast and if he had been in luck and if he had put it exactly in the right place, it might have subsequently caused the formation of a zamindari many hundreds of square miles in extent.

3-15 P.M.

If a shipload of cement had been sunk two miles off Alexandria two hundred years ago, it would lie there now like a large pebble at the bottom of the sea and nothing more. Inside the delta the result of the tide has been first that there is very much less slope on the delta in Bengal than there is in Egypt. Rivers far more easily change their course and they are doing it every day. Sir William Willcocks talked about the permanent ribs in the Egyptian delta. We have no permanent ribs in the Bengal delta. Streams are formed here and are kept open by the tide which in Egypt if they had formed at all would have promptly silted up again. In particular cases, it is very difficult to explain how the tide manages to keep them open until we remember that as the world goes round, the tide makes first at the Eastern end of a channel running from East to West and at the Western end sometime later. Whatever may be the cause we frequently find that in the Bengal delta streams transversing to the direction of the drainage are

quite common; but in Egypt they are not. Sir William Willcocks was taken by Dr. Bentley to the bank of the Pudda in Nadia and in Murshidabad. He saw there streams transverse to the direction of the drainage. His experience of Egypt told him to say to himself that these are contrary to nature and they must be the work of man's hands. Then he turned to the Puranas for confirmation. Sir, in correspondence which I had with Sir William Willcocks in the *Statesman*, I pointed out that we in Bengal have a map of the delta made by Rennel about 1765. That map shows the Pudda flowing from the neighbourhood of the present Goalundo direct to Barisal. The Arial Khan river was the main stream in those days. A steamer—if there had been steamers in those days—would not have gone in 1770 from Goalundo to Chandpur without going to Barisal and up the Meghna. During subsequent years the Pudda found a little khal starting from somewhere near Harirampur in the Dacca district to Rajbari where the old *Mat* stands now on the bank of the river. In the next 100 years by gradual infiltration the main waters of the Ganges found their way into that khal and made it the wide streams now flowing past Loharganj into the Meghna. The old bed of the river towards Barisal has been deserted and is now a dying river. Here Sir, we have a living example—an example of which we have direct evidence of a river which was once the main stream reaching a state of decay without ever having been touched by man's hands. And the same is the origin of the Jilingi and the Matabhanga rivers and of the Gorai river. If we had a map of the delta of thousands of years ago, we would probably find that Jilingi was the main stream of the Pudda. Sir Willcocks must not rely too much on the Puranas for it is easy to quote against him the tradition of the Ganga Sagar which makes the Hooghly the original mouth of the Ganges. So much for ancient irrigation in Central Bengal.

I now turn to the proposition of the embanked rivers of Western Bengal. The embankments should be demolished. Can we do it? For answer I would ask whether you have ever seen an embanked river in flood or whether you have noticed the attitude of the villagers. Why do they patrol the banks, not only by day, but with flares and torches throughout the night? They are guarding their own bank lest some boat should sneak out from the other side and make a breach in the bund. A breach means ruin to the crops in the land behind. The policy of embankments may have been a mistake when it was initiated in Moghul times, but you could not remove those embankments now unless you employed imported labour working under a military guard.

Khan Bahadur Maulvi SYED MAQBUL HUSAIN: I think I should be failing in my duty to my constituency of Chittagong if I do not join my voice of protest and condemnation against the conduct of the Irrigation Department of Bengal. The people of the district of Chittagong are not aware of the existence of the Irrigation Department at

all. There have been about 6 or 7 irrigation schemes launched in the district of Chittagong and are before the local authorities; but up till now no assistance has been given by the Irrigation Department. Therefore, I beg to support this token cut of one rupee. There is no regular irrigation policy in the department. I think the department ought to have examined all the schemes of different districts in this province together instead of taking them division by division in West Bengal and in Central Bengal, etc. Sir, during the general discussion of the Budget last year as well as this year I mentioned all these schemes of the Chittagong district but I do not find any attempt has been made or any steps taken in order to alleviate the miseries of the people. I mentioned about the re-excavation of the Dhurrugh Khal which has been silted up for the last 20 years. Although there has been some local attempt to re-excavate the khal it was not possible for the local people to bring it to a succesful issue. Then there is the Silonia Bhil. It is situated near the Munsif's Court Station. There a large area of land is always under water and water-hyacinth is growing there. The people round about that area are suffering from malaria, cholera and kala-azar. There is also the Gunarmordan Bhil which has also got to be drained, because the people round about that bhil are suffering very much. No step has yet been taken by the Irrigation Department to alleviate their distress. There are also other projects. One of them is the cutting of the bends of the Halda River. Mr. Sachse saw it himself and was very sympathetic But up to this time no step has been taken for cutting the bends. The irrigation staff simply spend their time in gauge reading and surveying the land round about. We have been saying for many years that the drainage of the Silonia Bhil and the cutting of the Halda River should be taken in hand. The gauge reading of the Halda River has been going on for the last six years. But nothing has been done. Recently I learnt that there have been so many schemes of irrigation at Chittagong that the Commissioner of the Chittagong Division requisitioned the Irrigation Department for the services of an Irrigation Engineer. But unfortunately I learnt that the services of an Engineer have been refused on the ground that there is paucity of irrigation Engineers. We see so much money is being spent in the Irrigation Department but nothing has been done towards removing the grievances of the people. If these schemes had been carried out the people would have been very much benefited and cholera, malaria and kala-azar would have been unknown. If Government had turned their attention to these, I am sure there would not have been so much discontent in the country. So I again draw the attention of the Government and suggest that there should be a regular policy of the Irrigation Department for the whole of Bengal and that the department should not confine its attention simply to Central and Western Bengal, neglecting other parts of the Province.

Mr. SARAT C. BASU: Mr. President, as the discussion is going on regarding the Damodar Canal which affects my district, I feel it my duty to submit something with reference to that scheme. There is hardly any scheme for irrigation or for anything else which goes unchallenged. This can be said of any scheme—this can be said both for and against any scheme. Sir William Willcocks in his note has adverted to this: that it will not be beneficial in any way, though it will be conducive to the formation of malarial atmosphere in the district. Of course we are not experts and we are not in a position to say anything one way or the other. But by dint of common sense I agree with him in this that there may be irrigation schemes but not at the cost of the natural channels. One of the defects of our schemes has been that they were successful at the cost of the natural channels existing at the time. Now Burdwan, which was at one time a very healthy place, has deteriorated and malaria has been rampant because of two things. First, the construction of the Damodar embankment for the protection of railways and, secondly, for the neglect of the natural channel existing in the district.

3-30 P.M.

The natural channels have been starved on account of the fact that water may come and the country be made water-logged. Doctors and Sanitary Engineers put their heads together and considered a scheme and effectuated it—there is a river there, Banka, which must be starved and dried up. At one time it was a source of water-supply to almost the whole district—of drinking water and irrigation water at any rate to a considerable portion of the district. That has now been converted into a little khal, and the result has been that the country has been made very very malarious. Then Government took up the Damodar Canal scheme with the object of supplying drinking water to the district, but they soon found that instead of supplying drinking water, it could be made a source of profit by letting out water for the purpose of irrigation levying some tolls on the land, and they left aside altogether the original scheme for the supply of drinking water. But what is the result? It supplies irrigation water only to a very small area, and in other areas although Government entered into a contract with the landlords for the supply of drinking water, the fact is that people cannot get water when it is wanted and distribute it in the fields. But when water is not wanted, that is to say, in the October season, to which Sir William Willcocks has referred, when there is excess of water, that excess of water is let into the fields, and the result has been a serious grievance in the whole district. But with reference to the scheme that has now been taken in hand, one thing has been lost sight of. The object is not simply the supply of irrigation water to the field, but there is another important object, namely, to take away the flood water. The river Damodar has been a source of menace to the country people. In the October season great rush of water

comes in, which endangers the embankments which keep the safety of the railway, and the present canal—I hope it will be allowed to be constructed—will take off a considerable portion of the water that comes in during floods and remains in the tracts all round. Now in the Burdwan district there is the river Damodar and there is the river Ajay. We know what havoc is played by these two rivers during the rainy season. There is hardly any protection against flood. Before the Permanent Settlement of Bengal it was the duty of the zamindars to take precautionary measures against water coming into and drowning the villages all round. Government thought that the protective measures taken by the zamindars were inadequate, and, therefore, the allowances of zamindars were taken away, and Government took this work in their own hands. Government could not trust the zamindars any more. What has been the result ? The zamindars are not given the allowance, and they are no longer responsible for the protection against flood water. The Government having taken upon themselves the responsibility declared to the public that they will be insurance against flood. But ever since the Regulations, ever since the Permanent Settlement, ever since the zamindars were relieved of this responsibility, we do not find that any amount has been spent by the Government towards the scheme for the protection of the people against flood. In fact the reason why Government took it out of the hands of the zamindars is that they must be impoverished because they cannot be trusted. But who is to be trusted ? After Government took it in their own hands, they have not spent a single farthing on it. The embankments are there, of course Government take steps for the purpose of preserving the embankments for the protection of railways—the only one embankment in my district is the Damodar embankment. The result has been that the river is getting higher and higher, it is menacing the country around, and there is no way out of it now. It is all very well to make an analogy between one country and another, but it requires local knowledge and knowledge of the local conditions for the finding of schemes and measures to protect against floods that the people are threatened with. Now as long as the Damodar embankment will remain in existence, and its basin will get higher and higher, something will have to be done both for the protection of the railways and for the protection of the country. As regards the present Damodar Canal, I do not know how far it will succeed, but that depends upon the expert irrigation knowledge. It will take away some of the water which threatens the Burdwan town and the country around it during every rainy season, specially in the months of September and October, and in addition to that it will be a fruitful source of irrigation water to the fields lying around. Whether it would be effective of that purpose, that is more than we can say, not being experts. My idea, therefore, is to suggest to the Government experts and officers that

while taking in hand this scheme, they ought to consider that the re-excavation of the river Banka and other rivers, which have been starved, should be opened out along with the scheme, and measures should be adopted for the even distribution of water for protection purposes, and schemes should also be made for the supply of water to the Burdwan Water-works. If these schemes are taken in hand, so far as the Burdwan district is concerned, I am sure it will be productive of great good to the district. It will be a great boon in providing water to the fields and taking off the flood water from the Damodar and Ajay rivers. So I should object to the scheme being dropped, and my prayer to Government would be to reconsider the scheme and to take such measures as would be productive by maintaining the existing channels in an irrigable condition.

Mr. H. S. SUHRAWARDY: I would not have intervened at this stage to discuss the Irrigation policy of the Government, but before I proceed to discuss the general policy of the Government in the matter of Irrigation I shall answer the remarks that have been made by Mr. Thompson and which have surprised this side of the House to a very great extent. In the first place, his remarks with regard to Dr. Bentley are objectionable and not at all complimentary to Sir William Willcocks. I suppose that Sir William Wilcocks is not so ignorant that he will be led into mistakes by Dr. Bentley and I suppose that he has some experience of rivers and maps and of irrigation and can come to an independent conclusion. Dr. Bentley is an earnest worker, a true friend of Bengal and India and a gentleman in whom we have complete confidence, and hence an eye sore to all such that care more for their position than for the province they serve. In his own way he has arrived at certain conclusions, which to his credit are similar to that of Sir William Wilcocks and these he supports with facts, figures, diagrams and statistics compiled after earnest work and research in his admirable book on Malaria and Agriculture in Bengal. I do not wish to pursue the matter further. I know that he has many enemies. I should like to assure him that he has many many friends. Mr. Thompson has spent much useless energy in attempting to differentiate the delta of the Nile from the delta of the Ganges. Sir William Wilcocks has never suggested that there is any parallel between them; on the other hand he has stated that the irrigation of the Bengal delta is peculiar and stands quite by itself. With regard to his remarks on embankments, the reason why the villagers fear the flood to-day is that not only have whole channels that would naturally contain the water during a flood been choked up, but the channels that should have served as drains are now non-existent, and cannot take away the water. Also the water that should have flooded seven rivers now flows through one channel, and the danger now is greater than it will be when all the channels have been excavated. Mr. Thompson has misrepresented

Sir William Wilcocks. Sir William never suggested that the embankments should be done away with, I do not think that he is such a poor Engineer. What he suggested was that they should be pierced near offtakes so as to permit the red river water to flow into the channels, and there should be regulators to see that too much water does not flow through them for there is danger till such time as all the channels have not been opened up.

Now, Sir, if I am to refer to the general policy of the Government, it has landed us in disaster. The results are obvious—a dead dying country, dead and dying rivers, less cultivation, more malaria, more deaths and disease, no adequate water-supply. The remedy suggested is shortly this—restore the rivers, re-excavate the channels and open their offtakes from the Ganges or other main stream; do not be afraid of the life-giving water; also do not think it is your property, it is the property of the people. Take a lesson from the river system of China, Cochin China, the Irrawady; and if you do not go so far, take a lesson from the work of Sir Arthur Cotton in the Tanjore district on the Cauvery river and the Godavari and Krishna deltas. In the Cauvery river the course of the water along a low bed was diverted to a higher bed, and the water flowed down along this bed through innumerable branches flushing and irrigating the country, and the land was rich and plentiful. I may tell you that this system of irrigation was introduced by the Chola Raja about 300 B.C., by a dynasty which had come out of Bengal and was familiar with the irrigation system here. In course of time, the system deteriorated and the water again flowed down the old channel. Sir Arthur Cotton put back the old system and again the land was fresh and smiling, free from malaria. While formerly malaria in those parts could compare with the malaria in Central and Western Bengal, so much so that rebellion by the people at their neglect was imminent—to-day it is practically free from the disease. Here in our own province, the system has been tried at Jangipur, namely, flushing the drains with silt-laden river water, and the place is far more healthy than the surrounding areas. Sir Arthur Cotton, speaking of the epidemic malaria then raging in Halishahar and other parts of Bengal says, "these fevers are actually owing to the want of irrigation works." But of this later. Burdwan is going from bad to worse. Hooghly, Burdwan and Birbhum are rapidly vieing with each other as to which should be depopulated first; Jessore, Nadia and Murshidabad are not far behind. The deterioration of the river systems of Nadia, Murshidabad and Jessore are most marked. Sir William Willcocks suggests that Nadia and Murshidabad can be taken in hand at once—the canals taken possession of, excavated, a check kept on the excavations by responsible Engineers, so that the money should be actually spent, and the river water allowed to flow through the embankments into the channels.

3-45 P.M.

But instead of that what has the Government done? Let us examine some of the schemes of our Chief Engineer himself:—

(1) The Bidyadhari was deteriorating: it is really due to the waters not being permitted to flow through the channels from the north to the south, and the interception of the Kristopur and the Circular Canals. Our Chief Engineer conceived the idea of putting spurs in the river—in the belief that this would narrow the channel and make the river deep. This was against all irrigation principles as the result has shown. The channel has been narrowed, but the bed has arisen. Away with all futile schemes of the spill reservoir and useless dredging that puts back the soil dredged. Remove the evil at its source. I again speak with the authority of Sir William Wilcocks. Remove the spurs dredge the river so as to widen it, restore the old canals to the north and let the Hooghly water flow through them; abolish the Kristopur canals and other unnatural canals that spreading from east to west obstruct the flow of water from north to south not only superficially but also underground by interposing a wall of water between, and you will solve the problem. The route for navigation might be slightly more but the advantage to transport, to health, to wealth, to agriculture will be immense.

(2) Next comes the blocking up of Tolly's Nulla—with a sluice, to improve it the result has been just the reverse and the nulla is deteriorating; the remedy obviously is to allow the river water to flow in and out.

(3) Mr. Addams Williams is to some extent responsible also for the fateful Magrahat scheme, which has succeeded in making the whole place malarious and has destroyed the Diamond Harbour Creek and is killing the canals below. It was sound policy to exclude the salt water, but absolutely unsound to exclude sweet water with it even during flood time when the amount of salt water is only fractional. The creeks below therefore die for want of flushing and scouring. Remedy—admit the sweet water during flood time and innundate the place with spill waters; renew the fertility of the soil and banish malaria.

(4) Next comes the Grand Trunk Canal which like a wall of water would have cut off all the rivers to the north of Calcutta and made of Calcutta and all the surrounding country the most pestilential swamp possible. This is enough. Let Government accept the larger policy and framing a scheme accordingly proceed with the matter boldly. Resolutions have been passed from time to time relating to the excavation of the khals, but to no purpose. Mr. Addams Williams cannot have more wisdom than the wisdom of the ages. Let him profit by the example of the ages and he may yet retrieve the position that he has lost and earn the gratitude of Bengal. Let him not be afraid of the life-giving water, and let him understand that primary engineering

principle—never to let a canal cross drainage. It is necessary to take up the canals between the Goria and the Bhagirathi as a preliminary step; we can then proceed further. I would suggest the formation as soon as possible of a Canal and Waterways Trust. Let us take up the matter in earnest and perhaps the name of the present Governor of Bengal may go down to generations as the real saviour of the country. To him be the credit, to us a healthy and rich and happy country.

I say this not merely after listening to the speech of Sir William Willcocks at the British Indian Association but I have been spending some considerable time with him over maps, figures and statistics. I do not think that I shall have time to refer to the resolution which deals with the Damodar Canal project but I should like to say that if this resolution is carried Government will take it as an indication that the Council does not agree to the Damodar Canal project. Last year Rs. 12 lakhs was spent and perhaps Rs. 68 lakhs is contemplated to be spent further on it. We are prepared to throw away that sum of Rs. 12 lakhs. Sir, the Council has learnt commonsense. After the Grand Trunk Canal scheme was foisted upon the Council some time ago we were presented with a proposal for the expenditure of Rs. 54 lakhs for the purpose of the *Ronaldshay* dredger. We were asked that in as much as we had spent Rs. 54 lakhs it would be duty of the Council to spend Rs. 3 crores more and the Council very wisely turned the demand down. To me, Sir, Sir William Willcocks is an inspired prophet with a message for us—it is for us to understand that message and put it into practice; to me, it is a great day, a great blessing for Bengal that he set foot on our soil, that he examined our system of irrigation, that he re-discovered the system fashioned by the ancients, the one and the only system that can restore life and health and vigour to Bengal. I believe in the man and his message ardently, and I am prepared to follow him and his advice in preference to that of Mr. Addams Williams. Sir William Willcocks has enunciated a new policy and in the light of that policy the Damodar Canal project is wrong. I will in a few sentences attempt to explain that policy, because it has not appeared in the speech which he read out before the British Indian Association.

The first step he suggests should be to give river water mingling with flood water—which he picturesquely calls the red river water—to those areas which are entitled legally and morally to their use. When the needs of those areas have been satisfied, then you may proceed to other projects, *viz.*, projects which may give October water to other areas. October water can never do the work of red river water; it is merely intended to supplement the monsoons and perhaps to do the work of what Mr. Addams Williams calls the Hatia rains. In case of failure of the monsoon, October water can never supply the needs of the locality and the Damodar Canal waters will only flow through canals during October and will not be there at the time when water would most be

needed in the locality. When you have finished this scheme and supplied October water to the localities that require it, then and then only you may take up other areas which have not yet been irrigated and the opening of which will really mean *salami* to a large proportion of landlords as we have in the case of the Arool Bhil.

Now, whenever we examine any scheme of drainage we have got to put before us two things: one supplies red river water and fertilises the country and stamps out malaria; the other only supplements the monsoon and produces weakened crops and malaria. The former is inexpensive and inundates thousand times more surface than the Damodar Canal project is likely to do. We have calculated and found that the expensive Damodar Canal project which is placed before the Council to-day would cost Rs. 43 per acre.

(At this stage the member having reached his time limit was allowed one minute more to finish his speech.)

The subject is of such great importance that I would require a great deal more time.

Mr. PRESIDENT: I give you two minutes.

Mr. H. S. SUHRAWARDY: I will try my best to finish, Sir. I think it would be more useful if the canals that are already there were excavated. As an example let me cite the blunder which Government has made in connection with the Eden Canal and the Midnapore Canal. The Eden Canal was constructed for the purpose in the first instance of supplying drinking water to the locality where water was scarce, and subsequently used also for the purpose of irrigation. How was it used? You send water by spurs with the result that the Eden Canal is practically dead and silted up; and no useful purpose is served by it now. I think, Sir, all projects that are based on similar principles will have the fate of the Eden Canal. By the Eden Canal you deprive people entitled to these waters and then you presume to sell it to others in driblets, even now you do not dare open up the Canal lest the people should benefit by it without paying for it! If you refer to the Irrigation Commissioner's Report and the Burdwan Gazetteer you will find that the facts that I am stating are correct. You have erected embankments all over the place and you will not give water to the people whose life blood it is! I would suggest the following: Look at the configuration. The Damodar and the Hooghly run parallel to each other from north to south, with a number of rivers, evenly spaced, connecting them. These rivers were surely canals. Let the department proceed by these steps: clean the Banka Nadi and its tributaries so as to connect the Damodar and the Hooghly and let the red river water flow through it, through the sluice at Jujuty or make another one if necessary; open up the Jamalpur sluice, clean the head of the Kana Nadi and let the water flow through it; clean the other Nadis that I have referred to

before, and establish at their heads regulators such as Sir William Wilcocks calls the Egyptian regulators but which are also to be found here. Scrape the Eden Canal except so far as the water is required for sugar-canes and you may keep it till such time as you restore your natural system and do not be afraid to let in the water. But the Government will not do such things. They are following a policy which is unintelligible to us and it dare not open up the sluices which would admit red river water.

I had very much to say, Sir, but I shall wait for another suitable opportunity.

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): Up-keep of waterways is necessary. Fifty lakhs of maunds of goods come to and go from Calcutta by the Sundarbans route. If Calcutta were deprived of these supplies even for a month by the silting up of the channels there would be an outcry against the department. It is not, however, true that irrigation is neglected. Forty-seven per cent. of the expenditure of the department is spent on pure irrigation schemes. The department deals with a larger area than it used to in spite of the fact that the staff has not undergone much extension; we must keep up the works in operation which absorb most of the staff and until we get an increased staff it is not possible to do more than is being done. The officers are all overworked and hold charges which are far too large for them; as an instance the case of the Khulna Division may be mentioned. This division extends from a point 25 miles to the east of Calcutta to the eastern extremities of the Province. The Nadia Rivers Division also extends from within a few miles of Calcutta to the foot hills of the Himalayas. It is not possible nor is it fair to ask the officers to do more than they are doing; relief is very urgently required.

I maintain that the establishment charges are not high; on the other hand unless the number of officers is increased it will not be possible to cope with the work. The total charges for establishment, which include travelling allowances and contingencies for the next year, are Rs. 13,58,000. This sum includes the two new divisions, one at Bankura and the other for the construction of the Damodar Canal. The figures for other provinces are:—

The Punjab—Rs. 1,29,88,000.

United Provinces—Rs. 51,81,000 (excluding leave and pension charges).

4 P.M.

Sir William Willcocks gave a very interesting lecture. He gave a rough estimate of 15 crores of rupees for making a barrage on the

Ganges. His estimate, however, does not provide for protective works to prevent the barrage from being outflanked. The protection of a mile of one bank at the Hardinge Bridge cost one crore of rupees.

In addition, the provision necessary for acquisition of land and for construction of canals and distributary channels would run into an incalculable sum.

The points raised will, however, be considered by the department.

In regard to the method of presenting the accounts, the Irrigation Budget is now presented in far greater detail than was the case a few years ago and I see no reason for altering the system: if the member has difficulty in following the figures I am sure the Secretary and the Chief Engineer will be only too glad to help him out of his difficulties.

Amirabad is a small drainage scheme in Contai—a scheme which is practically finished. Refuge mounds as should be obvious are for the shelter of the villagers in time of flood.

The fact that the Bhairab is a running stream has been known to this department for two years.

Khan Bahadur Maqbul Husain's speech is a convincing answer to the gentleman who said we were spending too much on establishment. We want more staff to investigate schemes in Chittagong and districts similarly situated as well as more funds to carry them out.

Mr. Basu has dealt with irrigation schemes and embankments in Burdwan and has criticised the Damodar Canal project. The canal was sanctioned by this House and the scheme had the approval of the experts of the Government of India—the best expert knowledge available.

Government are aware of their duties to maintain the embankments under their agreement with the zamindars and fulfil them.

The Alaipur scheme in Faridpur was mentioned by one member. I was disappointed myself at its exclusion from the budget and if there is a supplementary budget I will press for it.

With these words I oppose the motion.

Dr. BIDHAN CHANDRA ROY: May I inquire if in view of the opinion of the second expert who is described by Mr. Thompson as the biggest expert the Hon'ble Member is prepared to modify his plan in regard to the Damodar Canal project?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: I am afraid I cannot do it. We cannot alter the orders already passed by the Government of India and the Secretary of State.

The motion that the demand of Rs. 1,36,500 under the head "15A.—Irrigation Works" be reduced by Rs. 100 was then put and a division taken with the following result:—

AYES.

Acharjya Chaudhuri, Maharaja Shashi Kanta, of Muktagacha, Mymensingh.
Ahamad, Maulvi Asimuddin.
Ahamad, Maulvi Kasiruddin.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Prametha Nath.
Bannerjee, Babu Jitendralal.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Golam Mawla.
Choudhury, Maulvi Khorshed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Faroqui, Khan Bahadur K. G. M.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Babu Satyendra Chandra.
Gofran, Maulvi Abdul.
Gupta, Mr. Jogesh Chandra.
Haque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Huq, Khan Bahadur Maulvi Ekramul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Lala, Babu Saroda Kripa.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Nazimuddin, Mr. Khwaja.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur.
Raikat, Mr. Prosanna Deb.
Rauf, Maulvi Syed Abdur.
Ray, Babu Radha Gobinda.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sanyal, Babu Seshindra Narayan.
Sarker, Babu Naliniranjan.
Sattar, Khan Sahib Abdus.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Solaiman, Maulvi Muhammad.
Suhrawardy, Mr. H. S.

NOES.

Abbott, Mr. E. G.
Barton, Mr. J. F.
Basu, Mr. Sarat C.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Cohen, Mr. D. J.
Dey, Mr. G. C.
Dowding, Mr. T. W.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Eddis, Mr. A. McD.
Ghose, Mr. M. C.
Guha, Mr. P. N.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Lindsay, Mr. J. H.
Luke, Mr. N. R.
Macartney, Mr. J. G.
MacBean, Mr. J. A.
Macdonald, Mr. A.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Morgan, Mr. B.
Mukerji, Mr. S. C.
Nelson, Mr. W. H.
Parrett, Mr. P.
Phelps, Mr. Trevor J.
Prentice, Mr. W. D. R.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Sahi Kshaunish Chendra, of Nadia.
Roy Chaudhri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sachse, Mr. F. A.
Sarbadhikari, Dr. Sir Deva Prasad.
Sarker, Rai Sahib Rebati Mohan.
Skinner, Mr. S. A.
Tata, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 66 and the Noes 44 the motion was carried.

Mr. PRESIDENT: As the motion of Khan Bahadur Maulvi Azizul Haque has been carried I will not put the motion of Babu Manmatha Nath Roy but will forthwith put the main demand.

The time-limit under the head "XIII, 15, 16 and 55—Irrigation having been expired, the following motions were not put:—

Babu PRAMATHANATH BANERJEA: "That the demand of Rs. 2,500 under the head '15B.—Other Revenue Expenditure financed from ordinary Revenue—Construction of sectional officers' quarters at Contai' be refused."

Babu PRAMATHANATH BANERJEA: "That the demand of Rs. 3,000 under the head '15B.—Construction of sectional officers' quarters at Baitgarh' be refused."

Babu PRAMATHANATH BANERJEA: "That the demand of Rs. 1,500 under the head '15B.—Construction of Cashier's quarters at Contai' be refused."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 12,76,300 under the head '15B.—Navigation, Embankment and Drainage Works' be reduced by Rs. 100."

Babu NALINIRANJAN SARKER: "That the demand of Rs. 14,13,000 under the head '15.—Irrigation' be reduced by Rs. 100."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 31,16,000 under the heads '15.—Irrigation and XIII.—Working expenses' be reduced by Rs. 1,000."

Babu NALINIRANJAN SARKER: "That the demand of Rs. 2,30,000 under the head '16.—Construction of Irrigation, Navigation, Embankment and Drainage Works (Reserved)' be reduced by Rs. 100."

Maulvi SHAMSUR-RAHMAN: "That the demand of Rs. 2,30,000 under the head '16.—Construction of Irrigation, Navigation, Embankment and Drainage Works (Reserved)' be reduced by Rs. 100 (on the ground that no money has been provided for the excavation of the Alaipur Khal in the district of Khulna, for which promise was given to the people by the Hon'ble the Member-in-charge during his tour in the district)."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 21,28,000 under the head "Irrigation,' major head '55.—Construction of Irrigation, Navigation, Embankment and Drainage Works not charged to Revenue (Reserved)' be reduced by Rs. 100."

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 21, 28,000 under the head '55A.—Construction of Irrigation, Navigation, Embankment and Drainage Works not charged to Revenue (Reserved)—Irrigation Works' be reduced by Re. 1."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 21,47,000 under the head '55.—Construction of Irrigation, Navigation, Embankment and Drainage Works (not charged to revenue)' be reduced by Rs. 4,500."

Babu NALINIRANJAN SARKER: That the demand of Rs. 21,47,000 under the head '55.—Construction of Irrigation, Navigation, Embankment and Drainage Works not charged to Revenue (Reserved)' be reduced by Rs. 100."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 54,93,000 under the heads 'XIII, 15, 16 and 55.—Irrigation' be reduced by Rs. 18,800 (to draw attention to the fact that open inquiries should be made into the circumstances relating to the purchase of the dredger *Ronaldshay* as also to the Grand Trunk Canal Project and the liability of the technical advisers of Government in connection thereto)."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 54,93,000 under the heads 'XIII, 15, 16 and 55.—Irrigation' be reduced by Rs. 1,000."

The following motion was then put and agreed to:—

"That a sum of Rs. 54,93,000, as amended in Council, be granted for expenditure under the heads "XIII—Irrigation—Working expenses," "15—Other Revenue expenditure financed from ordinary Revenue," "16—Construction of Irrigation, Navigation, Embankment and Drainage Works charged to Revenue" and "55—Construction of Irrigation, Navigation, Embankment and Drainage Works not charged to Revenue."

[At 4-15 P.M. the Council was adjourned and it reassembled at 4-25 P.M.]

22—General Administration.

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. A. N. Moberly): On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 97,48,000 be granted for expenditure under the head "22.—General Administration."

The following motions were called but not moved:—

Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 3,500 under the head '22A.—Hill and Dacca allowances' be refused."

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 3,000 under the head '22A.—Staff and Household of the Governor—Subscription to Indian News Agency Telegrams' be refused."

Khan Sahib ABDUS SATTAR: "That the demand of Rs. 24,100 under the head '22A.—Staff and Household of the Governor—Barrackpore Park Maintenance charges' be reduced by Re. 1."

Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 1,55,000 under the head '22A.—Staff and Household of the Governor—Military Secretary' be reduced by Rs. 55,000."

Dr. KUMUD SANKAR RAY and Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 70,000 under the head '22A.—Staff and Household of the Governor—Band Establishment' be refused."

Babu RADHA GOBINDA RAY: "That the demand of Rs. 70,000 under the head '22A.—Staff and Household of the Governor—Band Establishment.' be reduced by Rs. 5,500."

Khan Sahib ABDUS SATTAR: "That the demand of Rs. 70,000 under the head '22A.—Band Establishment' be reduced by Re. 1."

Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 98,000 under detailed account '22A.—Bodyguard Establishment' be refused."

Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 3,79,000 under the head '22A.—Staff and Household of the Governor' be refused."

Maulvi SYED ABDUR RAUF: "That the demand of Rs. 3,000 under the head '22D.—Executive Council—Travelling Allowance' be refused."

Babu AKHIL CHANDRA DATTA: Sir, I beg to move that the demand of Rs. 22,000 under the head "22D—Executive Council" be refused."

Sir, at the very outset I may say that I do not mean to make any personal attack upon the Members of the Executive Council, nor do I mean to criticise their administration. My object is to raise a constitutional issue as to whether this system of Government should continue

or not. The question has been discussed so many times that I do not feel inclined to raise any lengthy discussion over it. I shall be very brief. My chief point is that an irresponsible and irremovable executive is quite inconsistent with an elected and popular legislature. History tells us that wherever this experiment has been made of having an executive not responsible to the legislature, not removable by the legislature, which is a popular and elected one, the result has often been tension and friction, and the system has not worked well. But we need not discuss the question now as an abstract principle. This system has been tried for about 10 years: it was tried during the first three years by gentlemen who cannot be called obstructionists. Now, we all know the result of that trial.

4-30 P.M.

It has been admitted by all ex-Ministers and by all Members of the Executive Council that the system has not only failed but it is bound to fail. They have declared in one voice that the system is unworkable. There are, Sir, inherent defects in the system which makes it impossible to work it successfully. What is wanted is a unitary system of Government responsible to the people through the legislature. But here, Sir, it may be urgued—well this is not the final stage. This is very good as a transitional stage—a half way house, only the preparation for full responsible Government. In the preamble of the Government of India Act it is called the progressive realization of responsible Government. Although, full responsible Government is the ideal, it cannot be given all at once and, therefore, this is a stage through which we have got to pass. On that point, Sir, we have now the opinion of our late Governor. After five years' working experience of the system this is the opinion that His Excellency has expressed. On the 26th of March, 1927, His Excellency Lord Lytton told us in this very House "The existence of an Executive which cannot be removed by the legislature and of a legislature which cannot be removed by the Executive is not calculated to produce harmony between the two and without harmony beween the legislature and the Executive efficient Government is impossible. To ensure harmony an elected legislature requires an Executive responsible to it and removable by it, and an irremovable Executive requires a nominated legislature. A system which secures the supremacy of the Executive not by the support of the legislature, but by the exercise of an overriding authority is not, I think, proving the best preparation for full responsible Government." Now, Sir, I do not think there is any body in this House who will question the wisdom of these remarks. Sir, the question is how it is that this question arises at the present moment. Sir, our attitude is well known. When this question was discussed last year, I remember the reply of the Government. Mr. Moberly pointed out that it was not a subject for the

Government of Bengal and that the Provincial Government could not take any action against complaints made against the Government of India Act. That was his reply and it was certainly true. This is a matter not for the Government of Bengal and therefore the observation of Mr. Moberly was perfectly true. But what about the Statutory Commission? So far as the Statutory Commission is concerned our attitude is well-known. We have boycotted it. We shall have nothing to do with it. If the Government of Bengal also follow suit and have nothing to do with it, I have no suggestion to make. But looking at the matter from the standpoint of the Government of Bengal and knowing full well that they will have to make some recommendations to the Simon Commission, I tell I am entitled to say this that in making their recommendations the Bengal Government ought to tell the Commission honestly the truth that has been told us by late Governor. They should not say that the Reforms had been worked well. On that point I have got the authority of Lord Lytton. "Those who criticise the failure of the Reforms in Bengal must not, therefore, ascribe it to any special perversity in the Bengali race, but should recognise that apart from the defects of the constitution itself which Bengal has shared in common with other parts of India, this Province has been placed under a handicap peculiar to itself." The position is we cannot remain where we are—either we must move forward or go backward. This question should be considered by the Bengal Government in their recommendation to the Commission. We all knew what the recommendation of the Bengal Government was at the time of the Reforms Enquiry Committee. At that time the recommendation was this—they proposed that more power should be given to the Executive to deal with the legislature, or to be more accurate, more power should be given to the Executive to deal with obstruction. They went further and said that the Governor in Council will oppose strongly any attempt to modify the constitution or alter the existing arrangement as regards the Reserved and Transferred subjects. That was the recommendation made in 1924. May I hope that the revised opinion of the Government expressed through the mouth of His Excellency the Governor in 1927 will be the recommendation made. What we want is a unitary system of responsible Government. Dyarchy must go. The Executive Council must also go and all the subjects must be made over to a homogeneous Ministry with joint and corporate responsibility responsible to the legislature and removable by the legislature. I hope that will be the recommendation made by the Bengal Governmnet to this Statutory Commission.

Babu NALINIRANJAN SARKER: I beg to move that the demand of Rs. 22,000 under the head "22D—Executive Council" be reduced by Rs. 100 (to raise the constitutional question involved in the continuance of the Executive Council).

Sir, my object in moving this is to raise the same constitutional issue as has been done by my friend Mr. Akhil Chandra Datta, though I do not propose to be so aggressive as to seek to deprive the Hon'ble Members of some of their menial attendants. I am, therefore, advocating only a token cut which will make our objects clear without at the same time making guilty of endangering the comforts of these Hon'ble men. The whole question has been discussed so threadbare both inside the Council Chamber and outside it, that I shall not dilate on the matter for long. The Hon'ble Mr. Moberly pleaded on the last occasion that he was new to his job and felt nervous that what he might say might be quoted against him. But I am sure, Sir, that, by this time, he is conscious of the inherent weakness in a case which no amount of experience in his exalted office can enable him to improve. Even while he was evading the main question the Hon'ble Mr. Moberly was quick to raise the objection that this motion referred to the provisions of the Government of India Act over which the Executive Council had no control. But, Sir, if it is so easy for the Hon'ble Member to disclaim responsibility for the main implication of this motion, may we not point out to him that just as the authority of Whitehall descends to them through the Government of India, so can the Executive Council convey the censure of this House, through the proper channel, to the authority which it rightly touches. We, Sir, have little direct connection either with the Government of India or the British Parliament. But the Executive Government can, and does, represent them, and I put it to this House that, if it has had reason to feel the anomalies resulting from the continuance of the Executive Council, it cannot do better than to declare its mind by passing this motion for cut. It is, of course, intelligible that the Hon'ble Members should ever seek to burke this motion by raising all possible objections. But the need is as urgent to-day, as it ever was, for the Council declaring itself emphatically against the present constitution.

The present dyarchical system under which the Government is carried on is surely not worth powder and shot. It is equally late in the day either to attempt defend it or to waste time in criticising it. Among responsible political parties there is not one supporter of it throughout the length and breadth of this land. In passing this motion the Council would be only confirming a view which is entertained by all shades of opinion in India.

It is interesting however to look into some of the aspects of our present constitution, especially the inherent incompatability of representative institutions and irresponsible government. The following are not my words but those of Mr. Churchill which though uttered in a different context applies with equal force to the position here: "The system of representative government without responsible ministers has led to endless friction and in convenience wherever and whenever it has been employed. It has failed in Canada, it has failed in Natal

and Cape Colony." And so long, let me add, as these two continue to be combined in India; the Government of the province cannot but be a sham. It has, of course, been contended that the surrender of the other half to the authority of a popular assembly has been delayed only by our own immaturity. In the face of this contention, Sir, it is difficult to resist the temptation to dig into British history. Others have done so before me and have found, for instance, that England was not rushed into bankruptcy by Lord Randolph Chruchill who held the Chancellorship of the Exchequer even though the decimal points in the Treasury Returns meant nothing more than those "damned dots" to him. It would be a waste of time and, perhaps, be considered a lack of taste to multiply instances.

Some of the important functions of Government are supposed to have been transferred to popular control as a preliminary and a preparation. But the money required to discharge these functions can be had not at the will of the Ministers responsible for the work, but at the sweet will of the Executive Council. Again, the agency through which the transferred departments are worked is mostly in the hands of the Executive Council. It controls the appointment and transfer of the officers who are to perform the duties. Thus both the machinery as well as the means of this department are beyond the reach of the Ministers. But, Sir, not much argument is needed to show that this lack of training is a most insincere excuse. The reserved half is retained because the British Government knows that thereby despite every effort of the Ministers and this Council, the Executive Council can gather to itself every shred of Governmental authority in the Province. The conditions described in the historic report of Lord Durham are exactly the same as those obtaining here. This is what Lord Durham said: "The wisdom of adopting the true principle of representative Government and facilitating the management of public affairs by entrusting it to the persons who have the confidence of the representative body has never been recognised in the Government of the North American Colonies. A body of holders of office constituted without reference to the people or their representatives must, in fact, from the very nature of colonial government, acquire the entire direction of the affairs of the province." It will be clear, therefore, that the whole idea of granting powers by stages is unworkable. The result can be nothing else but the creation of an anomaly like the present. It is highly necessary that it should be put an end to as early as possible To quote Lord Durham once again, "It is difficult to conceive what could have been their theory of Government who imagined that in any colony of England a body invested with the name and character of a representative Assemly, could be deprived of any of those powers which, in the opinion of Englishmen, are inherent in a popular legislature. It was a vain delusion to imagine that by mere limitations in the Constitutional Act, or an exclusive system of Government, a body, strong in

the consciousness of wielding the public opinion of the majority, could regard certain portions of the provincial revenues as sacred from its control, could confine itself to the mere business of making laws, and look on as a passive or indifferent spectator, while those laws were carried into effect or evaded, and the whole business of the country was conducted by men, in whose intentions or capacity it had not the slightest confidence." And yet this is the limitation placed on the authority of this Council. We may refuse or pass laws, vote or withhold supplies, but cannot exercise any influence on the nomination or the actions of these servants of the public or for the matter of that anything pertaining to them. Naturally they can have no regard for the wishes of the people or their representatives. The worst of it is that the Executive Council is not only independent of this representative body, not only is it able successfully to deprive the Ministers of all real power, but it also reduces the Governor, supposed to be set over it, to a position of but little authority. In this respect also our position bears a close resemblance to that of Canada and I cannot describe it better than in the words of Lord Durham: "A Governor, arriving in a colony in which he almost invariably has had no previous acquaintance with the state of parties, or the character of individuals, is compelled to throw himself almost entirely upon those whom he finds placed in the position of his official advisers. His first acts must necessarily be performed, and his first appointments made, at their suggestion. And as these first acts and appointments give a character to his policy he is generally brought thereby into immediate collision with the other parties in the country, and thrown into more complete dependence upon the official party and its friends. In the course of the contest in which he was thus involved the provocations which he received from the Assemly, and the light in which their conduct was represented by those who alone had any access to him, naturally imbued him with many of their antipathies; his position compelled him to seek the support of some party against the Assembly; and his feelings and his necessities thus combined to induce him to bestow his patronage and to shape his measures to promote the interests of the party on which he was obliged to learn." I leave it to my hon'ble friends to see how closely the development of affairs in this Province has been on the lines indicated. The truth and piquancy of these remarks of Lord Durham will become apparent when the career of each one of the provincial straps is examined carefully. To quote one example very near to us both in time and space, of how promises are broken and how ideals get dimmed, we only have to remember the high-sounding assurances regarding the internees given in this Council Chamber and the subsequent inaction.

To-day the position is far worse than that of the pre-reform days. The Executive Council is further beyond the reach of our criticism than they were even before these so-called Reforms. In those days the responsibility for the development of the country was theirs and they

had at least to make a show of defending themselves. But to-day the existence of the Ministers enable them to throw all the blame on them, keeping themselves entirely free to fortify the interests of the British. The existence of the Executive Council is in more than one way a hindrance to our progress. In the name of law and order it has interned our patriots and young workers. It has reduced this Council to an unreality. Its irresponsible character, its indifference to public opinion, its airs of superiority, effectually preclude the growth of any sense of responsibility in the representatives of the people. Government must be homogeneous in order to avoid one part of it pointing to the other whenever it is a question of apportioning blame. We urge, therefore, that instead of the complex structure which we have at present there must be a simple intelligible form of government in which the Executive will be jointly and individually responsible for the working of all the provincial departments to the legislature elected wholly by the people. The Executive Council is a negation of this essential principle of Government.

It is high time that the present state of affairs is put an end to. To-day the parties in England have joined together to do to India what they deem best from their point of view. Lord Birkenhead has offered his congratulations to all the party leaders for their recognition of the grave crisis in the relation between India and Britain and the ready co-operation proceeding therefrom. If it is a crisis from the British point of view, it is, can it be, a normal situation from the Indian viewpoint? Lord Birkenhead is assuredly right in describing the present moment as a critical one. I can only hope that the parties in this Council will not shut their eyes to what the British parties have so readily recognised. Let us join together in our emphatic demand for full responsible government and make it clear to the world that we will no longer live under the dispensation of this Executive Council.

The Hon'ble the President then called on Maulvi Tamizuddin Khan to move the motion standing in his name, but as the member was absent, several other members rose to speak on the motion before the House.

Mr. PRESIDENT: There seems to be some misapprehension amongst the members. I am taking these motions, which are substantially identical, one by one and am asking those against whose names the motions stand to speak first with a view to have one discussion on them. Other members will have an opportunity to speak on them later.

The Hon'ble Mr. A. N. MOBERLY: May I ask if the motions for total refusal and a cut of Rs. 100 are going to be taken up together?

Mr. PRESIDENT: They are substantially identical and I should like to have one discussion on them, although I shall put them separately after the discussion is over.

The Hon'ble Mr. A. N. MOBERLY: I understand that various members are going to raise various points and so it will be difficult for me to meet them all in one speech.

Mr. PRESIDENT: Do you prefer to reply separately ?

The Hon'ble Mr. A. N. MOBERLY: Yes, Sir.

Mr. SARAT C. BASU: In that case may I speak in respect of these motions ?

Mr. PRESIDENT: Yes, you can.

Mr. SARAT C. BASU: Mr. President, I am not going to take up your time by discussing the philosophy of the Executive Council or its working or its friction with the legislature or the elected members. What I mean to submit to you, Mr. President, is that the existence of the Executive Council is an anomaly and any matter regarding the members of the Executive Council should not come within this budget, because I find time has not yet arrived for the appointment of the members of the Executive Council. They are appointed under section 47 of the Government of India Act, which lays down that the Members of a Governor's Executive Council shall be appointed by His Majesty by Warrant under the Royal Sign Manual and shall be of such number, not exceeding 4, as the Secretary of State in Council directs. The next clause is that one of them must be a person who has 12 years' service in the Government of India. Then it is said that provision should be made by rules under this Act as to the qualifications required in respect of the Members of the Executive Council of a Governor's province in any case where such provision is not made by the foregoing provisions of this section. Under this section the qualifications of one Member have been laid down by the Act itself. The qualifications of the other Members have not been laid down anywhere. That has been relegated to the rules to be framed hereafter. So, although the Members of the Executive Council are appointed by His Majesty, the appointments are not to be made arbitrarily but within the boundary of the rules that are to be framed.

Dr. PRAMATHANATH BANERJEA: On a point of order, Sir, we have nothing to do with the appointment of Executive Councillors. We are concerned only with the temporary establishment of the Executive Council and certain allowances.

Mr. SARAT C. BASU: My point is this, that the matter should not have come into the budget at all. As I find from the section itself, the Members to be appointed have got to come within the qualifications that are laid down by the rules which have got to be framed. The rules have not been framed as yet, at any rate, so far as I am aware. As the rules have not been framed, more than one Member of the Executive Council cannot be appointed, and if there has been an appointment that is not within the rules that ought to be framed but outside the rules and anything that has been done outside the rules or outside the Act cannot come within the budget laid before us. My point, therefore, is that the tenure of the office of the three Members of the Executive Council is not under any law or rule—the appointment is *ultra vires*. Their existence is without the law, and therefore, this Council has nothing to do with anything in connection with them, and anything in connection with these three appointments should not come within the budget.

Mr. BIJOY PRASAD SINGH ROY: Does he contend that it is obligatory on the part of the Government to frame rules for the appointment of all the Executive Councillors—in the rules the expression used is "may" and not "shall".

Mr. SARAT C. BASU: As I read the rules, the qualifications must be laid down, and they must be laid down either under the Act or by the rules. The Act has laid down the qualifications of one Member and the qualifications of the other three have got to be laid down by the rules which the Act has enabled the Governor in Council to make. If you refer to section 129A you will find "where any matter is required to be prescribed or regulated by rules under this Act, and no special provision is made as to the authority by whom the rules are to be made, the rules shall be made by the Governor-General in Council, with the sanction of the Secretary of State in Council." That is how the rules have got to be framed but without the framing of the rules no one knows what the qualifications of the Members of the Executive Council will be, and as long as the qualifications are not known, it is impossible for His Majesty to appoint any Member of the Executive Council other than the one who must at least for 12 years be in the service of the Crown in India.

Mr. F. E. JAMES: May I rise on a point of order. So far as I understand, Mr. Basu's contention is that the appointment of the Executive Councillors is arbitrary. As these appointments are made by the King-Emperor, His Majesty according to him is acting in an arbitrary manner. If so, is that in order ?

Mr. PRESIDENT: Section 47 of the Government of India Act lays down that "the Members of a Governor's Executive Council shall be appointed by His Majesty by Warrant under the Royal Sign Manual and shall be of such number, not exceeding four, as the Secretary of State in Council directs." Although, the appointment is directly made by the King-Emperor, the Secretary of State may use his discretion as to the number.

Mr. SARAT C. BASU: It is not the number, but the point that I raise is, with regard to the qualification. In section 47 (2), the qualifications of one Member have been laid down but the qualifications of the other three Members have not been laid down, and unless their qualifications are known, His Majesty will not be able to make the appointment.

5 P.M.

Mr. F. E. JAMES: On a point of order, Sir. I desire to have your ruling on the question whether it is permissible to a member of this House even to discuss an appointment which lies in the power of His Majesty the King-Emperor. It seems to us that it is not within the power of this House even to discuss a question as to whether an appointment should or should not be made. Surely it is beyond the province of any member of this House to suggest that any appointment made by His Majesty the King-Emperor whether under the Sign Warrant or not, is *ultra vires*.

Mr. PRESIDENT: The present discussion arose from a demand with regard to the Executive Council, which Government has brought before the Council, and I think a member of this House can, therefore, criticise the Executive Council as it stands.

Dr. BIDHAN CHANDRA ROY: May I inquire, Sir, whether you have any information as to whether any such rules have been framed ?

Mr. PRESIDENT: You might put that question to the Hon'ble Member in charge.

Dr. BIDHAN CHANDRA ROY: I am putting it to him through you, Sir.

Mr. PRESIDENT: It is for him to answer that question if he chooses to do so.

Mr. W. H. THOMPSON: I think, Sir, Mr. James' point of order has not been answered. Mr. Basu's criticism is a criticism of the action

of His Majesty the King-Emperor, and he says that the action of His Majesty the King-Emperor is *ultra vires*. Is he in order in making such a suggestion to the House ?

Mr. PRESIDENT: My ruling was to the effect that it was up to a member of this House to criticise the Executive Council as constituted and I never gave the ruling that His Majesty the King-Emperor's action so far as the appointment of members of the Executive Council is concerned, could be criticised by the members of this House. I think there is some misunderstanding.

The following motion was called but not moved:—

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 22,000 under the head '22D.—Executive Council' be reduced by Rs. 100."

The Hon'ble Mr. A. N. MOBERLY: Far be it from me to pit my knowledge of the interpretation of Acts against that of Mr. Basu. I would merely point out that section 47(3) of the Government of India Act lays down that provision *may* be made by rules under this Act as to the qualifications to be required. To the best of my knowledge no such rules have been made, therefore no special qualifications are required. (Laughter.) I say that no specially prescribed qualifications are required.

This motion is a motion for the refusal of the demand for the establishment of the Executive Council, that is to say, the servants, their travelling allowances and their hill allowances. I understand, therefore, that it is intended merely to raise a discussion and that the mover does not propose to press it to a division. The discussion has been duly raised. I had the curiosity when I received notice of this motion to turn up a debate on the same subject which took place in the year 1926. A similar motion was then moved by Khan Bahadur Maulvi Ekramul Huq. I was interested to notice that what he then wanted was the immediate appointment of a Royal Commission. The Royal Commission had not then been appointed and my predecessor had to reply to his arguments on other grounds as best as he could. As the mover has said the constitutional question is not a matter for the Government of Bengal, but an authority is now in existence for which it is very much a matter. The Royal Commission whose immediate appointment was recommended in 1926 has now been appointed and is in India. They have issued a memorandum in which they have called upon all and sundry to furnish them with information and recommendations on the constitution of provincial Governments, the working of dyarchy, the position of Ministers in relation to the Governor and Members of the Executive Council and various other subjects.

My friend in moving his motion said that he knew that the Statutory Commission was there but that he could not have anything to do with it and wanted the Government to voice his opinion before it. I do not think that would be very fair either to the Statutory Commission or to him because surely his eloquence had much better be received first hand by the Commission than filtered through me who might not do it justice. He has put forward various arguments for a change in the existing system of Government. It is not for me to say whether his arguments are good or not. As a Government we shall have to say something or other to the Statutory Commission, but if we were to try to reflect the various opinions of the various members of this House we might have to produce 140 different views. I would, therefore, suggest that my friend should reconsider his attitude towards this Commission. If he wants the present system of Government to be changed he should take the constitutional course and enter his protest to the Statutory Commission.

Mr. H. S. SUHRAWARDY: I have been commissioned by the Union Party to state its views on the question of the existence of the Executive Council; there can be no Executive Council without its concommitant establishment.....

Mr. PRESIDENT: Are you speaking on these two motions ? I am afraid not. If you want to speak on the next motion you can not do so now; for, it has not yet come up.

The motion that the demand of Rs. 22,000 under the head " 22D.—Executive Council " be refused was then put and lost.

The motion that the demand of Rs. 22,000 under the head " 22D.—Executive Council " be reduced by Rs. 100 was then put and a division was taken with the following result:—

AYES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Prometha Nath.
Bannerjee, Babu Jitendralal.
Basu, Mr. P. C.
Basu, Mr. Sarat C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Golam Mawla.
Choudhury, Maulvi Khorshed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Safran, Maulvi Abdul.
Gupta, Mr. Jogesh Chandra.
Hoque, Kazi Emdadul.
Huq, Khan Bahadur Maulvi Ekramul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Lala, Babu Sareda Kripa.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.

Nasker, Babu Hem Chandra.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur-.
Rauf, Maulvi Syed Abdur.
Ray, Babu Radha Gobinda.
Ray, Dr. Kumud Sankar.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Sarkar, Babu Naliniranjan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.

NOES.

Abbott, Mr. E. G.
Ahamad, Maulvi Kasiruddin.
Barton, Mr. J. F.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Cohen, Mr. D. J.
Dey, Mr. G. G.
Dowding, Mr. T. W.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Eddis, Mr. A. McD.
Ghose, Mr. M. C.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Lindsay, Mr. J. H.
Luke, Mr. N. R
Macartney, Mr. J. G.
MacBean, Mr. J. A.
Macdonald, Mr. A.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Morgan, Mr. G.
Mukerji, Mr. S. C.
Nelson, Mr. W. H.
Parrett, Mr. P.
Phelps, Mr. Trevor J.
Prentice, Mr. W. D. R.
Rahman, Mr. A. F.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sachse, Mr. F. A.
Sarbadhikari, Dr. Sir Deva Prosad.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Skinner, Mr. S. A.
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 51 and the Noes 50 the motion was carried.

5-15 P.M.

Maulvi ABUL KASEM: I beg to move that the demand of Rs. 22,000 under the head "22D.—Executive Council" be reduced by Rs. 3.

As I have said in my notice, I make this motion to draw the attention of the House to the question of the regrettable incident at Kulkati and to the failure of Government to grant amnesty in all communal cases other than those at Pabna. I have tried by all the means that lie in my power to get a decision of the House on the Kulkati affair I moved an adjournment of the House, but unfortunately it was talked out and no decision was come to. I gave notice of a resolution on the same subject later on, but through the vagaries of the ballot box I had no opportunity of bringing forward the resolution before the House. Now, I have taken this step because I think the Executive Council is responsible for not holding an open enquiry into the matter. My case, as has been stated in this House before, is very simple. In

connection with the incidents at Kulkati it will be irrelevant for my purpose to discuss the question of music before mosques. That question has nothing to do with the present discussion. The fact remains, however, that a certain number of Mussalmans, call them religious fanatics if you like, rightly or wrongly believed that the passing of a musical procession in front of their mosque was objectionable and was an insult to their religion. These men, who were not criminals—I call them religious enthusiasts—if the Treasury benches call them fanatics let them do so—these men, whether religious enthusiasts or fanatics, assembled within the compound of the mosque with the object of defending their religious faith and in order to protest against the order of the District Magistrate in allowing the procession to pass before the mosque. Perhaps it may be thought that the mosque was a big one or that the road was a large thoroughfare. The fact, Sir, is that the mosque with its compound and a tank within it occupies an area of 45′ × 40′ in length and breadth and the road was only 2 feet wide. These people had assembled at that place. The District Magistrate of Barisal, the great Mr. Blandy, had previous notice that trouble was apprehended there in connection with the Ponabalia fair, and he had taken the precaution of taking with him a number of soldiers from the Eastern Bengal Rifles armed with sufficient ammunition to kill. It has been said by, and on behalf of Government, and in some of the papers, that these Mussalmans who had assembled in the small compound of the mosque, or were within it, were armed with *nezas*. These *nezas*, we are told, are deadly weapons more deadly perhaps than machine guns, and it is reported that the men assumed a threatening attitude. The fact remains, however, that the Maulvi, who was the leader and the guide of the assembled men, was arrested under the orders of the District Magistrate from amongst their midst within the mosque and taken away by two unarmed constables to the other side of the road and safely lodged there without the least difficulty. Not a single man amongst the crowd with those deadly *nezas* in hand attempted to obstruct the arrest of the Maulvi. If they were armed with deadly weapons and assumed a threatening attitude, how is it that they did not object to the arrest of this man and assaulted and killed the constables. It is an insult to our intelligence to say that because the men took up a threatening attitude, the District Magistrate and the police were in danger of life and so firing was absolutely necessary. Sir, whether the few dozens of people who were assembled there were in a threatening mood or not, the fact is that the District Magistrate of Barisal was in a state of panic and he ordered firing. Sir, I want a decision from this House and I want a statement from the Government benches whether, if a crowd which has assembled at a certain place do not disperse when asked to do so—whether the orders in this case were understood or not I cannot say, but assuming that they were understood—firing and killing of men like dogs were justifiable. This is a question on which I want a decision. When there

was absolutely no danger nor apprehension of any injury to life and property, was firing justifiable? On the other hand, Mr. Blandy, the Collector of Barisal, took the Eastern Bengal Rifles men with him and had them supplied with sufficient ammunition, and when he knew that he was going to order firing, he did not care to take the ordinary human precaution of providing for the treatment and the dressing of the wounds of the persons who might be wounded; nor did he provide for the funeral of the people who were killed. Many of us who had made a pilgrimage to Kulkati saw that the shots which were fired pierced the cocoanut trees which were near by, and I can say on very good authority, and from direct evidence, that people, who were smoking in their huts some 200 yards away from the road, were shot and wounded, and there was nobody to look after them, no doctor was there, and even no first aid was given to them; and it took more than 36 hours to remove them to hospital at sadar, and even at the hospital many of them were not admitted as there was no accommodation. Some had to be taken down to Calcutta for admission into the Medical College. I want to know whether a responsible public servant, who was there to maintain peace and order, and who went there I say—and I say with a full sense of responsibility—with the deliberate intention of killing my countrymen—I ask whether it was not his duty to take a doctor with him and to see whether there was a dispensary in the neighbourhood where the wounded men could be attended to. His action was inhuman to say the least, and this neglect on the part of a responsible officer of Government is really deplorable. I will not say anything here as to whether the Mussalmans were justified or not in obstructing the passing of musical procession by their mosque—I may have my personal opinion on the matter—but what I protest against is the firing of the people when there was no apprehension of danger to life and property.

My motion relates to the Executive Council and my submission is that the Executive Council of the Government of Bengal have certainly failed in their duty by not ordering an open enquiry into this incident. The reply has gone forth that Mr. Clayton, the Commissioner, has already enquired and submitted a report which is very satisfactory; but that report even has been held to be a secret thing, not open to the public. I want to know who were the persons Mr. Clayton examined, what was the nature of the enquiry he held. I say that the Executive Council of the Government of Bengal have sadly failed in their duty. I am afraid the reason which guided them in their decision was that if Mr. Blandy was censured or punished or even if his action was declared wrong, the prestige of His Majesty's Government would be lost and the empire would be in danger, but I beg to remind the Members of the Executive Council that the prestige of the British Government was established in the country by justice, fairplay, honesty and statesmanship, and that prestige has been shaken to the bottom

by Blandys and blunderers. In the old days when the Government was not bankrupt of statesmanship as it is to-day, officers of Government, whenever they were found guilty of high-handedness, were publicly censured or otherwise punished. I can cite the case of Mr. Kirkwood, Mr. Carey and many others, but now when the consciousness of the people has been roused, Government think that their prestige will have to be maintained at any cost.

Mr. PRESIDENT: The time is up to-day, it is 5-30 P.M. now. I will now adjourn the House. You may continue your speech to-morrow.

Adjournment.

The Council was then adjourned till 2-30 P.M., on Thursday, the 15th March, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 15th March, 1928, at 2-30 P.M.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers, and 118 nominated and elected members.

unstarred questions
(answers to which were laid on the table).

Teaching posts in the Presidency College, proposal for separation from Educational Services.

73. Babu SATYENDRA CHANDRA GHOSH MAULIK: (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to state whether it is a fact that the Government contemplate separating the teaching posts in the Presidency College from the Government Educational Services and constituting them into a separate cadre with different rates of pay?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister state the reasons for introducing such a change?

(*c*) Is it a fact that the Presidency College posts include practically all the prize-posts that are open to Government Educational Service Officers on the teaching side?

(*d*) Have the Government ascertained whether anywhere else in India the teaching staff of a particular Government college has thus been separated from the rest of Government Educational Services of that province?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): (*a*) the recommendations of the Presidency College Committee in the matter are still under the consideration of Government. No decision has yet been reached.

(*b*) Does not arise.

(*c*) Yes, apart from Principalship and Vice-Principalship of other colleges.

(*d*) It is understood that this has not been done elsewhere.

Mr. S. C. BOSE: Will the Hon'ble Minister in charge of Education be pleased to state whether by the expression "the Presidency College Committee" he means the governing body of the College?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: No.

Mr. S. C. BOSE: Will the Hon'ble Minister be pleased to state what is the constitution of the Presidency College Committee?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: This Committee was specially appointed by Government, and if you want to see the report, it is here.

Mr. S. C. BOSE: Will the Hon'ble Minister be pleased to state the constitution of the Presidency College Committee which I think is a different question from the report of the Committee?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: The name of the members of the Committee are given in this report. You will find it from the report itself. I will lay the report on the library table if you want to see it.

Mr. S. C. BOSE: Will the Hon'ble Minister be pleased to state when the recommendations of the Presidency College Committee were made, and if the recommendations were made in writing?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: In 1926. The report is here and it contains everything.

Mr. S. C. BOSE: Will the Hon'ble Minister be pleased to lay the recommendations on the table?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I have already said that I will lay it on the table.

Police-stations in Murshidabad, abolition of.

74. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: (*a*) Will the Hon'ble Member in charge of the Police Department

be pleased to state whether it is a fact that out of twenty-four police-stations abolished in the whole of the province eight police-stations have been abolished since 1926 in the district of Murshidabad alone?

(*b*) If so, will the Hon'ble Member be pleased to state the reasons for such abolition?

(*c*) Is it a fact that since then the number of crimes, especially dacoities, has increased to a great extent?

(*d*) Will the Hon'ble Member be pleased to lay on the table a statement showing the number of dacoities in the years 1925-26, 1926-27 and 1927-28?

(*e*) Will the Hon'ble Member be pleased to state what steps have been taken to check and minimise the incidence of dacoities in the Murshidabad district?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) Since 1924, thirty-six police-stations have been abolished. Eight of these, which were in the district of Murshidabad, were abolished in 1926.

(*b*) These stations were abolished in accordance with the recommendations of the Retrenchment Committee with the object of effecting economy.

(*c*) and (*d*) A statement is laid on the table.

(*e*) Special patrols have been instituted. Two C.I.D. officers are working in the district and an extra force has been sent from other districts.

Statement referred to in the reply to clauses (c) and (d) of unstarred question No. 74.

DISTRICT MURSHIDABAD.

Crime.	Reported.			True.		
	1925	1926	1927	1925	1926	1927
Dacoity ...	14	15	24	14	8	12
Robbery ...	742	661	772	714	614	711
Burglary ...	535	408	447	533	364	372
Theft ...	21	28	56	15	17	45

Police Standing Committee meetings in 1927.

75. Mr. F. E. JAMES: Will the Hon'ble Member in charge of he Police Department be pleased to state how many meetings of the tanding Committee of the Police Department were held during he past year?

The Hon'ble Mr. A. N. MOBERLY: One meeting was held during 927.

late for the discussion of motion of " no confidence " in the Ministers.

Mr. PRESIDENT (the Hon'ble Raja Manmatha Nath Ray haudhuri, of Santosh): I have to announce that His Excellency the iovernor has been pleased to appoint the 21st instant as a non-official ay when the motion of " no confidence " in the Ministers will be taken p.

DEMANDS FOR GRANTS.

22.—General Administration.

Maulvi ABUL KASEM: I had placed my case as best as I could esterday before the House, and I hope and trust that my colleagues i this House will give their verdict in my favour. But before I leave ie subject I would appeal to Government members and tell them that iere is no virtue in not admitting a mistake; when a man or a Govern- ient admits that a mistake has been made, it enhances its credit rather ian lowers it. The prestige of the Government will be much greater it rises up to the occasion and declares that what was done by Ir. Blandy was neither justified nor correct. We have been told that iere was an apprehension of the breach of the peace or danger to life id property and therefore Mr. Blandy was justified in ordering to fire. may remind, if my memory does not fail me, the Hon'ble Members i the Government bench that even when a court of justice in delivering idgment in an Indian case said that firing might be justified even if iere was no imminent danger to life and property, His Majesty's overnment came forward with a *communiqué* that it did not agree with ie dictum of the judge that firing should be allowed whether there as any imminent danger or not. In that case are we to assume that is Majesty's Government in this country goes far and beyond and says iat firing should be allowed whenever the District Magistrate or the erson in possession of the power in that locality thinks it necessary

to

even if there be no reasons, no ground or justification? The fact that one particular man thinks that there is sufficient justification for firing —I hope this matter will be considered in a statesmanlike way by the members of Government.

I have referred to the grant of amnesty. When it was announced that general amnesty had been granted to the prisoners convicted in communal cases in Pabna, I for one felt that after all the Government of Bengal had taken wise steps and I expected that this act of clemency would be extended to all the prisoners convicted in communal cases throughout Bengal. Everybody with a grain of common sense must regret these communal riots, but at the same time it must be admitted that the people taking part in these riots are not ordinary criminals, but just as I have said in Kulkati, they may be mobs but they are not criminals, they are not bad characters. They have been punished and we think the punishment has been sufficient and then clemency should be shown to them, because they are neither criminals nor bad characters. We found that after the announcement in the Pabna case, no steps were taken to grant amnesty to any of the prisoners in any other communal case all over the province, and the impression has gone forth into the country, especially among the members of my community, that the Pabna case was especially chosen as a fit case for amnesty because rich landlords and highly placed Hindu gentlemen were going to jail. (Question, Question.) They were going to jail and therefore it was necessary to let off every one in Pabna. Amnesty ought not to have been granted on the merits of each case. If merits are examined, I do not think the Pabna case will stand the test. However, I do not like to dilate on that. The feeling at the present moment among the Muhammadans is that so long as hundreds and thousands of Muhammadans, poor Muhammadans, went to jail for their religious enthusiasm, for their fanaticism, for their zeal, call it what you like, no body cared or thought of amnesty for them. Some of these Mussalmans, martyrs you may call them, have been in long terms of imprisonment and many died. But when big landlords with long purses were found guilty, Government came forward with open hands and said that peace ought to be declared. The impression has gone forth into the country that so far as the Government of Bengal is concerned, there is one law for the poor and another for the rich. As the two questions are complicated, I want a verdict on the Kulkati case and not on the Pabna case.

2-45 P.M.

Babu SACHINDRA NARAYAN SANYAL: Exactly a year ago during the discussion of the adjournment motion on Ponabalia shooting, I suggested the appointment of a Committee of inquiry into the unhappy incidents, but I regret no action has as yet been taken. Hence I rise to support the motion of Maulvi Abul Kasem in order to express my

dissatisfaction on the failure of the Government to institute an open inquiry into the incident relating to the shooting at Kulkati. Although as a Hindu representative I acknowledge, as I did just a year ago, that the Government acted rightly in safeguarding the religious rights of the Hindus at Ponabalia against the aggressive action of fanatic mobs, at the same time I once again admit that the military patrol posted there overdid their duty by making excessive use of firearms, which leads one to conclude that human life is reckoned so cheap in this country. It is for this reason that I urged upon the Government last year "to make a sifting inquiry into this event so that there might not be any recurrence of such deplorable occurrences," and I hope that this House will accept this motion in order to impress upon the Government the necessity of holding an open inquiry in order to pacify popular discontentment.

Maulvi TAMIZUDDIN KHAN: In supporting this motion I wish to make only a few observations with regard to the shooting at Kulkati. The tragedy enacted at Kulkati and the massacre there were only surpassed by the utter callousness of the Government in not holding an inquiry into the incidents of that massacre even when an inquiry was demanded by the people. I do not like to enter into a discussion as to the merits of or justification for firing on the occasion. I should only like to say that all the talk about that justification is futile because every one remembers that in spite of the fact that the crowd was armed with *lezas*, the Maulvi, their chief leader, was arrested without any incident. Everyone in that assembly might have been arrested in a similar way, but instead of that Mr. Blandy ordered general firing on the crowd. Mr. Blandy went there with the deliberate intention of firing on the crowd.....

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly:) I protest against that statement.

Mr. PRESIDENT: Maulvi Saheb, you have no right to suppose what was in Mr. Blandy's mind when he went there. You had better not make any remark on a dubious point like that.

Maulvi TAMIZUDDIN KHAN: I bow down to your ruling and I will not refer to that. To my mind there was no justification whatsoever for the order to fire. After that firing, after that massacre, what did the countrymen do? They did not rise in revolt against the Government. In spite of being in possession of arms in the shape of *lezas*, they did not try to take the law into their own hands so far as Mr. Blandy was concerned. They only demanded an open impartial inquiry into the massacre and even that inquiry was denied by the benign Government. Was the Government at all justified in refusing

that inquiry? That is the only question before the House, and I think this is the proper occasion for this House to signify its disapproval of the action of Government by carrying this motion with a unanimous vote.

Babu SURENDRA NATH RAY: I think I ought to say a few words on this motion. An incident occurred to my knowledge and it is this. While there was a riot all round Calcutta, one of my houses in Canning Street was leased out to one of the members of this Council, whom I do not want to name, who had a Khilafat Committee there. I was then not in Calcutta but at Benares, and as soon as I heard of it, I asked my brother why the Committee was located there. In reply he said that such and such gentlemen came to him and he was obliged to lease out the house to him. Now what happened? One morning while a poor Sircar of one of my tenants—he is a resident of Burdwan —came down from the second store to make some purchases, he was stabbed to death. So no man's, no Hindu's life was safe at the time. Therefore, if the Government or the Deputy Commissioner of Police had taken any stringent steps at the time against the Committee which was there, I think, that would have been quite justifiable.

A MEMBER: Has that incident any bearing on the motion before the House?

Mr. PRESIDENT: Mr. Ray, we are not discussing the Calcutta riots. So you had better not refer to that.

Babu SURENDRA NATH RAY: However, as a matter of fact, that was the dominant spirit of the Muhammadan community of the time, though I do not say generally. It is a fact to my knowledge and therefore I have referred to it.

Maulvi ABDUL KARIM: The motion under discussion refers to a matter that has caused intense excitement, indignation and alarm in the Mussalmans of Bengal. The details of the tragic incident are too well-known to need recapitulation. The mover of the resolution, Sir Abd-ur-Rahim and others who visited the place of occurrence and got first-hand information of what actually took place came to the deliberate conclusion that there was absolutely no justification for the firing. There was no rioting, no one was attacked, no injury was caused and yet 19 human beings were shot dead like so many cats and dogs. The fact that no attempt was made even to rescue the Maulvi at whose instigation the people are said to have assembled round the mosque, unmistakeably shows that no occasion whatever arose to justify immediate firing without warning. I need scarcely say that in the list of legalised slaughters Kulkati has no parallel. There was no previous prohibition against public assemblage, no preliminary

action was taken to disperse the crowd by the ordinary methods adopted on such occasions, no blank firing, no aiming at the lower limbs, the vital upper parts were shot at, as if the object was to kill people outright. It is not at all unlikely that the crowd would not have committed any excesses although some of them had lathies and *lezas* which the village people of Bakarganj usually carry with them when they go about. The callousness of the officials concerned may be judged from the fact that when the victims of this unmitigated atrocity were writhing in pain, the procession was ordered to pass and the military and the civil officers joined in the conquering march past the mosque with bands playing. Besides, no arrangements were made for the treatment of the wounded victims. It is difficult to find appropriate words to adequately describe the inhuman action of officials who in their panic fancied that the country would be suddenly ungovernable and the prestige of the steel frame would be eternally demolished, if immediate obedience to their arbitrary commands were not enforced at the point of the bayonet and the muzzle of the rifle. I need hardly say, Sir, that it is a matter for serious consideration whether officials whose mental equilibrium gets so easily upset, who get madly panic-stricken at the sight of a crowd, who in order to avoid risk to their personal safety and even to their vanity light-heartedly trifle with human life—whether such officials are fit to be entrusted with responsible positions in the administration of the country and with unfettered powers over the life and limbs of the people.

It is extremely to be regretted that the Government has failed to realise the gravity of the incident in spite of the repeated representations from the community. I cannot persuade myself to believe that if they had done so they would still have persistently refused the insistent demand for an independent inquiry. And yet a trifling incident as mere removal of a stone that was worshipped by some people, caused such a terrible commotion in the official circle, that immediate action had to be taken to pacify the aggrieved. But in the case of Kulkati even the report of the Divisional Commissioner has not been published and the usual white-washing *communiqué* has not been issued. Is it any wonder if in such circumstances the community's confidence in the Government gets impaired and constitutional means are sought to get the grievances redressed? It would be perhaps superfluous for me to say that we are not vindictive: It is not vengeance that is sought after. In fact nothing can undo the slaughter at Kulkati, not even Mr. Blandy's head on a pole. All that is wanted is a sifting inquiry, and if necessary, deterrent action so as to prevent future Blandies losing their heads on occasions such as these and perpetrating atrocities similar to those perpetrated at Kulkati. If this is not a reasonable demand I do not know what is. I am afraid, Sir, it is such official *zid* and such callous indifference to public feelings that slowly but surely undermine the foundations of great empires.

The District Officer, as we are aware, is all-powerful in the district and there is hardly anything which he cannot bring about. Had this not been the case Mr. Blandy would not have succeeded, after doing all that he did, in managing to get a farewell party in his honour. The Hon'ble Members would perhaps be staggered if I were to tell them how could this be manœuvered. But I do not think it proper to wash such dirty linens in this House.

It would not be out of place to mention in this connection that the Mussalmans of Bengal think that their representatives in the Cabinet have not done what they should have done in the matter. Having before them the example of what Sir Sankaran Nair did over the Jaliwanwalla Bagh affair it is no wonder if they think that the hon'ble gentlemen have proved themselves unworthy of the trust reposed in them.

In conclusion I would remind my Hindu colleagues that this is not a local or a communal question. The accidents of place, persons or party have nothing to do with it. If Mussulmans have been killed to-day, Hindus might be killed to-morrow.

Khan Bahadur Maulvi AZIZUL HAQUE: I had no intention of taking part in this discussion, but the remarks of my friend Babu Surendra Nath Ray have induced me to take exception, very strong exception to his remarks so far as the Mussulman community is concerned. As a Mussulman, I can assure the House as also the gentlemen who have just spoken, that we Mussulmans yield to none in our desire to unite with the Hindus and to see united India take her proper place in the comity of Nations. I for one always believe that it is always our duty to see things from the correct perspective, not so much from the point of view of a Hindu or a Muhammadan, so that the real facts may be judged in their proper light. Judging from that view I deplore the remarks of Mr. Surendra Nath Ray, sitting there with the Swarajists round about him, about the attitude of the Muhammadans at the time of the Calcutta riots. I cannot understand why the act of a particular member of the community can be accredited as the attitude of even a section of the community and to say that that was the attitude of the entire Mussulman community is a gross lie and calumny. Are we to understand that the Mussulman community is so shorn of commonsense that it cannot look into the real facts to ascertain the truth. I very much regret this remark made in this House as any indication of the views of the Mussulman community which as a Mussulman I must take strong exception to. Every Mussulman, every Hindu must deplore these excesses whether done by a Hindu or a Mussulman. I think it is a thing to be ashamed of, whether done by a Hindu, a Mussulman or a Christian for the matter of that. I think the hon'ble member should have avoided reference to anything which does not directly concern the motion before us.

3 P.M.

After all what is the motion of Maulvi Abul Kasem. It is simply a proposal for a nominal cut in order to express dissatisfaction for the policy of Government in regard to the shooting at Kulkati. I think that is not too much for Maulvi Abul Kasem to demand—a demand for an inquiry and if it is found that the Mussalmans at Kulkati were in the wrong and that the shooting was justified, if it be found that Mr. Blandy was correct as a result of such inquiry then the Mussalman community would never suggest that that inquiry was partial or vitiated. It is because we do not know whether the shooting was justified that we are asking the Civil authorities for an open inquiry. Every citizen has every right to demand such an inquiry in order to inquire into the allegations that have been made. I say it is in the interest of Mr. Blandy himself that such an inquiry should be made and justice may be vindicated in proper manner. I only draw the attention of the House to the fact that it is not merely a Muhammadan question. Such a wrong could have been done to any community—Hindu, Muhammadan or Chirstian. I for one yield to none in my desire to see a united India; and if we find out that we have done something towards this unification we shall feel that our work has been done.

Mr. J. M. SEN GUPTA: I should like to say one or two words on this motion to make our position perfectly clear. We propose to support Maulvi Abul Kasem's motion and go into the same lobby with him in case there is a division. There is no doubt that some Indians had been killed by the action of the Executive. This is not a Hindu or Muhammadan question. There cannot be any doubt that a section of the public is not satisfied with the case of the Government that there was necessity on the part of the Executive to open fire on an unarmed crowd. The demand for an open and public inquiry is very reasonable as that would once for all settle the question between the two contending parties as to whether or not the firing was justified or not justified. It is not necessary for supporting this motion for an open and public inquiry to say that the firing was justified or not justified. The demand for an inquiry of this nature becomes more necessary because of the discrepancy between the statement of the District Magistrate and the *communique* which the Government issued at the time.

Sir ABD-UR-RAHIM: I was one of the first to raise a voice of protest against what happened at Kulkati just a year ago and I made it clear from the very beginning that this was not a question between Hindus and Muhammadans but that it was a question between Indians and the Executive in this country. It raises a most important and serious administrative issue—the issue being nothing less than this: When and under what circumstances is the District Magistrate justified

in firing on a crowd killing as many as 19 people on the spot. If this question is not settled in a proper way, if we do not have a definite pronouncement from the Government on the subject after a full and proper enquiry, I, for one, will say that the lives of the people of the country are not safe and secure when a district Magistrate considers it necessary in his own discretion to take a certain line of action to preserve his prestige and authority. The proposition simply is this: Was Mr. Blandy justified in law and in humanity to fire on the mob at Kulkati because they would not disperse at his command? This is the whole gist of the case. I ask whether he could have been justified under those circumstances in ordering fire on the mob. What happened? Nothing more than this. There was a crowd assembled with *lezas* and sticks. The police—the Eastern Rifles—were posted within six feet of them. They could almost touch the crowd with their rifles. The Magistrate asked the crowd to disperse. They did not disperse. But it is proved, it is found in the evidence of responsible officials who were present there that the Maulvi was arrested on the spot, the Maulvi, who was said to have been leading the crowd, and no motion was made by the crowd to rescue him by force. He was the prime mover. He was the man who was the leader of the mob according to the case of Government and yet when he was arrested no attempt was made to rescue him. We have also in evidence that an Inspector of Police was going in and coming out of the crowd in order to make some enquiries. He was there and no one touched him or hurt him. Look at the attitude of the Maulvi himself. He supplicated the Magistrate—for God's sake, do not let the procession pass. He threw his *pagri* at his feet. We have the admission of a very responsible official—if my memory has not gone astray on this point, I think it was Mr. Taylor, the Superintendent of Police, who was present there—that the crowd did not want to assault the Magistrate or his party. Their attitude was not of that character at all. Their attitude was that they would not let the procession pass before the mosque with music. Under these circumstances all that the men in the crowd were guilty of when they did not disperse at the command of Mr. Blandy was the offence of being members of an unlawful assembly and nothing more. What was the punishment? The highest punishment that could be awarded—if I am wrong Mr. J. M. Sen Gupta will correct me—was perhaps one year's imprisonment at the most. But what was the actual result? What was the punishment actually inflicted by the Magistrate on the spot without any inquiry, without any trial? Death, death of 19 men on the spot, more men dying afterwards! What did Mr. Blandy do after the shooting? When they were shot—when smashed skulls and brains were lying scattered—I saw marks of them two or three days after—Mr. Blandy ordered the procession to pass not playing a funeral dirge but with triumphant music and he saw to it that the procession did so pass before the mosque. Mr. Blandy had taken the Eastern Frontier Rifles, not the

ordinary police to deal with the crowd expecting to have to shoot and yet, would you believe it—would the non-official Englishmen on the other side believe it—Mr. Blandy did not take any medical aid with him—no stretcher, no bandage, no Surgeon. Is that to be tolerated? He went there fully expecting to have to shoot on the crowd and yet he did not take any medical aid with him. Now, Sir, as I have said I was the first to protest against this what I call deliberately a massacre. What has happened since then? What did Government do? Instead of instituting an open inquiry—a very modest demand in a case of this nature—they asked the Commissioner, the official head of Mr. Blandy, a fellow member of the I. C. S., to hold an inquiry in the matter. The Commissioner made some sort of report. That report even has not been published. What happened then? They prosecuted some members of the crowd including some men who bore marks of shooting on their persons. But then they found that it was too much. Soon afterwards they withdrew the case against them all. What was the object of instituting a prosecution of this sort when a few days afterwards you were going to withdraw it? Then we tried to find out why the Government did not hold an inquiry? The reason I understood was that the case was pending against these people—the case which was withdrawn immediately afterwards. But the prosecution of the Maulvi was carried on. It was then pointed out that the case against the Maulvi was pending. The Maulvi was convicted and an appeal was preferred. Then, it was pointed out to us that the appeal was pending against the Maulvi. But that inquiry had nothing to do with the conduct of Mr. Blandy. I understand the Appellate Court refused to say anything on the conduct of Mr. Blandy. The Court was perfectly right. Mr. Blandy's conduct was not in question. The evidence of the unlawful assembly was complete when the crowd failed to disperse at Mr. Blandy's order. Up to that point there was no question whatever. They were all guilty in law. Mr. Blandy's order to fire afterwards had nothing to do with the case of these people. Up to now, Sir, Government have not made a definite pronouncement on this case. What is the law? If a crowd fails to disperse, is the Magistrate justified in ordering fire at once killing as many persons as he likes? May I ask the Government to say if this is law. Then we Indians will know where we stand and whether lives of poor Indians are at all safe, under such circumstances.

3-15 P.M.

Mr. W. L. TRAVERS: We the non-official Britishers on this side of the House deeply regret this unhappy occurrence which took place at Kulkati. I said so once before in this Council and I say so again with the greatest emphasis that we deplore the occurrence as much as any member of this Council. We also share the sympathy which goes to the relatives of those who suffered and also to the relatives of those who were killed. We agree also with Mr. Sen Gupta that this is not a matter at

all for Hinduism or Muhammadanism or British or Indian. We also approve of an inquiry, but where we do join issue is that we do not approve of an open inquiry of such a nature which may come to a non-official trial. The mover of the motion spoke about the punishment of Mr. Blandy. In our opinion, Sir, Mr. Blandy has suffered the greatest punishment which a man can possibly suffer. He had in the course of his duty to open fire on an unarmed crowd, and the remembrance of that awful date, the remembrance that deaths and suffering came from his order must be a profound grief to him as long as he should live. I say, Sir, that in the opinion of us on this side of the House an open inquiry of the nature of an unfficial inquiry is contray to public policy. There should be an inquiry, that inquiry should be full and in detail but it should be made by a responsible superior officer.

Babu JITENDRALAL BANNERJEE: I should like to add a short rider to what Mr. J. M. Sen Gupta has said. I do not think it is necessary to say anything regarding the first portion of the motion, but I beg to dissociate myself very strongly from the second part of Maulvi Abul Kasem's resolution and the remarks he made on the subject. I do not understand—I do not care to understand—what he means by communal crimes and communal cases. Crimes are crimes and must be punished, and it was no justification for a crime to say that it was committed in the heat of communal frenzy. I do not know if there was any spirit of bargain-driving in the Pabna settlement. All that I know is that the grant of amnesty has restored peace to the people of Pabna and that was a consummation devoutly to be wished for. But, if there was any spirit of bargain working there, that spirit has to be condemned, and I hope Government will not follow that bad and wrong precedent elsewhere. Much has been talked about Hindu-Moslem unity in this connection. I refuse to believe that Hindu-Moslem unity can only be achieved upon a basis of mutual condonation of crimes. That end has to be attained by other, sounder and nobler means.

Dr. PRAMATHANATH BANERJEA: I do not wish to record a silent vote on this question. I do not agree with many of the observations which Sir Ab-dur Rahim and Maulvi Abul Kasem have thought fit to make. I am not prepared to condemn Mr. Blandy; possibly he was right. But the fact which have so far seen the light of day are not sufficient to remove all doubts from my mind. There is no doubt that firing took place; nor is there any doubt that a number of persons were killed. Now a firing is justifiable only in exceptional circumstances. Whether the circumstances were really exceptional or not ought to be investigated by an impartial Committee. I, therefore, think that there is a strong case for an open inquiry; and in that view of the matter I support the motion.

Khan Bahadur Maulvi SYED MAQBUL HUSAIN: I beg to support this motion because the Executive Council has not performed its duty as it ought to have done. The Muhammadans, I think the entire people of Bengal, demanded a public inquiry, nothing more than that. What is the justification of the Government not to allow an open and public inquiry? That very thing goes to show that Mr. Blandy was at fault. Otherwise there would have been an open and public inquiry to clearly show to the public that he was justified in opening fire upon the villagers: The Kulkati tragedy will ever remain green in the minds of the Moslems of Bengal. It will have its nemesis. The laws of nature are inexorable, but we, the Moslems of Bengal, demanded that there should be an open and public inquiry and nothing more. The tragic acts of Jallianwalla Bagh shrink before Kulkati. If we compare the tragic acts which were enacted in Jallianwalla Bagh with the Kulkati affairs here, we find that in Kulkati there was no assault, there was no aggression, still the people were fired on. In the former case there were some punishments inflicted but in this matter of Kulkati there was not even an open and public inquiry. Mr. Travers says that Mr. Blandy was punished, but in fact he has gone on leave without being punished at all. I say, he stands charged before the bar of public opinion in Bengal with 19 murder cases. He murdered 19 Mussalmans for no offence of their own. Of course under a responsible Government these things would not have occurred. If the Executive Council had been responsible to the people, there would not have been such sort of imperviousness of the Government to the pitious cries of the Moslems and to the united appeal of the whole of Bengal to have an open inquiry into the matter. Of course it is not a matter of Hindu or Muhammadan interest. It is a matter that 19 Indians were murdered without any reasonable cause, without any justification and there ought to have been an inquiry into this matter.

Mr. H. S. SUHRAWARDY: Mr. President, Sir, I support Maulvi Abul Kasem. It is not necessary to go over the harrowing details of the incidents at Kulkati; it is not even necessary at this stage for the purposes of the amendment to apportion praise or blame. Let us see the admitted facts. An incident almost without parallel since the evil days of Jallianwalla Bagh has occurred; a number of persons alleged to have been armed with primitive implements are opposed to soldiers armed with express service rifles; before any actual assault takes place—the crowd may have been merely truculent—bullets are fired into the thick of a crowd—that has never seen a rifle before and that does not know what horrible damage rifles can do—it is admitted further that more bullets were fired than ordered—persons sitting far behind the *supari* grove, sitting in their huts smoking *hookahs* and having nothing whatsoever to do with the crowd in front are killed—no proper treatment is accorded to the wounded although Mr. Blandy

came to the spot with the object of using force, if necessary—the wounded are carried to Barisal heaped one upon another and many die before they reach the hospitals. The following issues arise:—

(1) Could the incident have been prevented? Could the district authorities have avoided the conflict?

(2) Was force necessary?

(3) Was the force employed actually necessary to meet the needs of the occasion?

(4) Was sufficient warning given, keeping in view the ignorance of the masses?

(5) Were rifles necessary? Could grape shot have been used? Was it a blunder to have sent away the armed police on another expedition? Was it impossible to procure guns in place of rifles?

(6) Was proper medical attention provided? If not, who is responsible?

(7) On the admission that more shot were fired than ordered, who is responsible?

It is not an easy matter to treat lightly with death. An incident in which so many lost their lives, many absolutely innocent and in no way connected with the crowd, is passed over without an inquiry. Why, even when there is a slight collision between two ships on the river, an inquiry is held in order to ascertain if anybody is responsible for the collision and to find out the reasons, so that similar incidents may be avoided in the future; and so that it may be a guide to others.....

A VOICE: Not a public inquiry.

Mr. H. S. SUHRAWARDY: If not a public inquiry, at least a judicial inquiry is held by a magistrate before whom any one who is cognisant of the facts may come and give his evidence.

Surely such a cataclysm, such a holocaust, called for something more than lip sympathy; called for something more to palliate the wound than words of comfort; called for some redress other than a prosecution of the unfortunate people who were so brutally wounded, with its consequent harassment and cruelty. This is not a question of Hindus or Muhammadans. What has happened to us to day may happen to the Hindus to-morrow, and hence if injustice has been done to it, it is the duty of all, Hindus and Muhammadans to take up the cause of the oppressed.

On the question of the amnesty, if the amnesty at Pabna has brought about a hopeful situation there, so much the better. Much can be said on behalf of those who suffered in jail previous to the amnesty, but I

will let ss. I will only say this that with the same charity, Government should grant an amnesty to those who were convicted in other riots, particularly in the course of the riots at Calcutta. It is admitted that the Muhammadans suffered unduly at the hands of the police, who happened to be predominantly Hindus—and this implies as sure as fate that many were the false cases brought, and much of false evidence procured. I still maintain that the machinery of the police was utilised to oppress the Mussalmans here. We have suffered grievously. If you look at the records, you will find that while a large number of Muhammadans were charged with serious offences, such as murder, riot under section 147 coupled with section 325, etc., the Hindus were mostly charged with light offences such as being in possession of stolen property. I do not wish to raise an invidious distinction, but I draw the attention of the Government to this—when they think of an amnesty, when they realise that an amnesty brings about a better relationship between the communities, then if they desire to bring about this better relationship, they should see that the amnesty is extended. It should be noted that the Hindus came to an agreement with the Muhammadans only after the judgment in the High Court, and the amnesty was declared only after the judgment which went against the Hindus. Similarly Hindu and Muhammadan leaders came to an agreement in Bowbazar Street where a certain definite settlement was arrived at with regard to the question of music before mosque and cow sacrifice. If you hold that an agreement of the leaders is tantamount to an agreement between the two communities which will justify an amnesty, then surely the meeting of leaders at Bowbazar Street, in the office of the Bengal Provincial Congress Committee, can, more than any other meeting, be considered to be a meeting of such leaders, why then have you not granted an amnesty to those who were convicted in the last riots and are rotting in jail, Muhammadans and Hindus alike, if there are any such Hindus still in jail.

3-30 P.M.

This is a matter which we shall press again and again before Government in various ways and we would ask Government to consider the situation seriously because the Muhammadans, the Muhammadans in Calcutta at any rate, feel, and feel with a great deal of justice that they have suffered unduly severely at the hands of the police and the Government during the last Calcutta riots.

Dr. KUMUD SANKAR RAY: May we hear the Hon'ble Minister for Education on this matter, Sir?

Mr. PRESIDENT: I do not know what you mean, Dr. Ray.

Dr. KUMUD SANKAR RAY: I mean what I say.

Mr. PRESIDENT: I do not think you mean what you say. (Laughter.)

Babu SURENDRA NATH BISWAS: Last year when a motion for adjournment of the House on the Kulkati incident was brought by Maulvi Abul Kasem he made a feeling speech and from his speech on that occasion I gathered that he intended to condemn Mr. Blandy for his action but I protested against that saying that the facts which came to light up to that time were not sufficient to form our opinion, not to speak of condemning Mr. Blandy. I also said at that time that the leaders who fomented communalism were more responsible for the tragedy than Mr. Blandy. I still maintain that opinion but all the same I think that an open and public inquiry by the non-official members of this House ought to be made to remove all doubts and for that reason I support the present motion and propose that a committee of inquiry should be appointed on the lines embodied in the speech of my esteemed friend, Mr. Sen Gupta.

With these words I support the motion.

Maulvi KADER BAKSH: I had no intention to speak on this subject but I feel inclined to say a few words for various reasons. It is neither a communal question nor a question whether Hindus or Muhammadans suffered at Kulkati. It is a question whether the elementary rights of justice have been denied to those people. It is a question whether Mr. Blandy was in the right or in the wrong in opening fire upon those people under the circumstances prevailing at the time and to enquire into the facts we made a very reasonable and modest demand for an open inquiry—an inquiry to find out whether the blunder done at Bakarganj was more serious than that committed by somebody at Jallianwalla Bagh. It was only a demand, or rather a request to Government to find out whether Mr. Blandy did these things deliberately or on the spur and heat of the moment. It was a question whether Mr. Blandy was aware that the mischief could not have been avoided by taking some other steps. It is again a question to find out whether Mr. Blandy took all reasonable care that he should have taken after the men were wounded, with regard to their medical treatment and whether from all these things it can be inferred that Mr. Blandy did all these things deliberately.

Mr. S. C. BOSE: We are very much indebted to Mr. Travers for expounding what he has described as the non-official British view on this subject. We have never suffered from any illusions regarding the non-official British view; but all the same, I am indebted personally to Mr. Travers for doing more than what I had expected him to do. One of the reasons he has advanced for opposing an open public inquiry is that the greatest punishment that one could suffer Mr. Blandy had

suffered, namely, the punishment of his conscience—the remorse and shame he must have suffered from because he had ordered shooting on an unarmed people! (Ironical laughter!) Before to-day, before this extremely illuminating outburst of British sympathy, we did not know that General Dyer had to suffer from the same punishment!. We did not know that the quellers of the Sepoy Mutiny who had ordered live human beings to be burnt—I say so on the authority of history and also on the authority of a recent and most illuminating book on the subject by Mr. Edward Thompson, whose name is well known in Bengal—had to suffer from the same punishment! Before this extremely illuminating discourse on the subject by Mr. Travers, we did not know that the best punishment that one could possibly inflict on a man was to go and order him to shoot on an unarmed people, so that stung with shame and remorse, he may fly far from the country the air of which he has polluted. I think my esteemed friend, Mr. Sen Gupta, should take points from the speech of Mr. Travers; and if he is ever called upon to legislate on the Criminal Law in India, I hope he will accept the suggestion of Mr. Travers and introduce this new form of punishment among the long list of punishments codified in the Indian Penal Code!

In rising to support the motion I do not propose to make a speech on the merits of the question.

On the material before us it is not possible for us to say that Mr. Blandy was right; nor can we assert that Mr. Blandy was wrong. But what I fail to understand is why on earth are you so anxious to avoid an open public inquiry if you think in all conscience that you are right.

The Hon'ble Mr. A. N. MOBERLY: I am sorry that the debate has taken a racial and communal trend but I understand how deeply some at any rate of my friends feel over this tragedy of Kulkati; and I therefore make allowance for certain expressions they have used which I feel sure they in their cooler moments will realize are unjustifiable. Before I proceed to deal with these expressions I must once again, on behalf of the Government of Bengal, express our deep regret at the deplorable loss of life which took place at Kulkati and our sincere sympathy with the relations of those who were killed there. I also desire to express my personal regret at the circumstances which prevented me from saying all that I had to say when the adjournment of the Council was moved a year ago.

Before I go any further I should like to make it clear, as has been pointed out by my friends opposite, that this matter is the responsibility of the Governor in Council and it is not in any way the responsibility of the Ministers. Further, that the Minister of Education, who, it was suggested, should speak on this subject, was not in office at the time when the tragedy occurred; he was not in office at the

me when it was decided not to drag Mr. Blandy before the Legistive Council—(A VOICE: But at that time he was a member of this ouncil.) and since he has been in office this question has been treated *res judicata* although he has referred to it and has expressed his ews on the subject.

Now I come to the occurrence itself. I tried to explain matters best I could in my speech last year. I pointed out that it was ire chance that the Eastern Frontier Rifles happened to be deputed Ponabalia instead of to any other place. The district of Bakarganj the time was disturbed and it had become necessary to reinforce e local police by our only provincial reserve. Normally the ordiry armed reserve would have gone to Ponabalia but on this occasion ey were engaged on other duties and the Eastern Frontier Rifles ere sent. Next may I say that the record of the Eastern Frontier ifles is not a record of bloodshed. They were employed in Calcutta 1913 at the time of the "*Komagata Maru*" trouble and in the urse of that trouble in pursuing and in rounding up some of the gitives they fired. From that day in 1913 up to the Calcutta riots 1926 the battalion never fired a shot in 13 years, as their mere esence in many places was sufficient to prevent serious disturbances. 1926 in the course of the Calcutta riots when firing was necessary several occasions the battalion or rather the detachment of them that ere here fired between them seven rounds. The only other occasion ien they fired was on this unfortunate day last March. Therefore, far as the record of the battalion went, there was no great likeliood that their employment there would lead to bloodshed. On the her hand had there been any special selection of a force for duty at place where serious trouble was anticipated, which there was not at Ponabalia, these people would very likely have been selected in the ope that their mere presence would suffice to prevent it.

As regards the disposition of the force, it has been said that r. Blandy went there with the object of using force. Of course ien anybody goes to prevent a disturbance there is always a possibility at force may have to be used. I admit that the disposition which r. Blandy made was in the light of after events unfortunate, but his e object in making it was to avoid as far as possible any use of force. e have had not one but several inquiries made. The Commissioner gan by making an inquiry and later on he was called upon to report two specific points. We then had an inquiry made by the Comanding Officer of the Eastern Frontier Rifles, who was not in Bakarnj at the time of the occurrence, from a purely military point of view. e also received the opinion of the General Officer Commanding the esidency and Assam District on the military disposition. The one istake that Mr. Blandy made from start to finish was this that instead keeping his force at a distance of 100 yards or so from the crowd, he

[3-45 P.M.]

brought them up close to the crowd with fixed bayonets, in the hope that this would have sufficient effect to make the mob fall back without causing any trouble. The immediate effect of this disposition was to cause the mob to fall back, and it enabled the officers to go among the crowd in order to try and persuade them to disperse, and it also enabled them to arrest the Maulvi without trouble. Unfortunately, however, the mob became more and more truculent, and the small force, which might possibly have dispersed the mob with much less bloodshed, had it been kept at a distance, was surrounded by the mob armed with spears. The mob were within a few feet of the force, and it then became a question whether the force was going to be rushed by the mob, or whether the mob should be dispersed before that happened. It was a serious responsibility, and Mr. Blandy decided—and I do not think that any other decision was possible at the moment—that the mob should be dispersed. He ordered that one round should be fired, but his order was not properly heard owing to the noise, and some men fired one round and some more whilst some did not fire at all. As soon as the mob showed signs of dispersing, the firing was stopped. As I have pointed out, Mr. Blandy made this one mistake, that of bringing his men close to the crowd. If, he had taken the alternative and the mob after being told to disperse had not dispersed or had advanced to attack his force it would have been his duty to order the firing of one or two rounds, but there was much greater likelihood of his having to fire if he had tried to disperse the mob in that way. This, Sir, is the account of the firing at Kulkati.

Then we come to the charge made about the want of care shown towards the wounded men. As you know, Sir, there are frequent occassions when armed police have to go out to preserve the peace. The Police budget does not include any provision for doctors or ambulances, and if it were necessary to take out doctors and ambulances every time a few constables or armed police are sent out under circumstances of this kind, we should have to provide for a very large medical force indeed. I deny absolutely that Mr. Blandy had any intention whatever of firing when he arrived, or before he arrived, at Ponabalia, and I deny most emphatically that he wished at any time to have recourse to firing. All his dispositions were taken with a view to avoiding firing as far as possible. We had a special inquiry made by the Commissioner on the subject of the wounded. What happened was this. There is a small khal connecting Kulkati with the Barisal river. The nearest place where there is a hospital is Jhalakati, which is about three miles in a straight line from Kulkati, and some of the men who were more seriously wounded were taken there. Carts are not used in that part of the country and the obvious thing to do was to take the men to Jhalakati by boat.

Babu JITENDRALAL BANNERJEE: May I know if the Commissioner's report was ever published? If not, has the Government any intention of publishing it now?

The Hon'ble Mr. A. N. MOBERLY: A large boat was necessary.....

Sir ABD-UR-RAHIM: I think, Sir, we ought to have an answer from Mr. Moberly as to whether the Commissioner's report will be published or not.

Mr. PRESIDENT: I think I should not allow any question to be put to the Hon'ble Member at this stage. The question has not been put with my permission and it is not for him to answer it.

The Hon'ble Mr. A. N. MOBERLY: Sir, these members have already spoken on the question without any interruption and they should not interrupt me now.

A large boat had to be used and when they got to the Barisal river the wind and tide were against them. That caused considerable delay in arriving at Jhalakati. Once they arrived at Jhalakati they were promptly attended by the Doctor there and subsequent reports show...

Mr. J. M. SEN GUPTA: May I put one question to the Hon'ble Member?

Mr. PRESIDENT: The best thing to do is to put your question after the Hon'ble Member has finished.

Mr. J. M. SEN GUPTA: The point is this. When a particular member is speaking, if there is any point to be cleared up then and there it is generally done by putting a question to him. The question is generally answered, of course, if the member gives way.

Mr. PRESIDENT: I quite understand your point. What I mean to say is this. If I encourage members putting questions to the Hon'ble Member at this stage, then there will be interruption from all sides. The proper procedure is to put questions after the Hon'ble Member has finished his speech, and that with my consent and approval.

Dr. BIDHAN CHANDRA ROY: Sir, if the Hon'ble Member is reading from a particular report are we not entitled to know what the report is?

Mr. PRESIDENT: The best thing to do is to note down such points as you want the Hon'ble Member to clear up and put questions relating to them, through me after the Hon'ble Member has finished his speech.

The Hon'ble Mr. A. N. MOBERLY: I may say at once, Sir, that I was not reading from the report. I have been too busy the last few days to write out a speech on this subject. I am not reading from the Commissioner's report although I am referring to it.

It was subsequently ascertained that the Assistant Surgeon at Jhalakati had rendered first aid very efficiently. It was after this that serious delay occurred. The wounded men received proper medical aid at Jhalakati, but as there was not sufficient accommodation the local Assistant Surgeon said that the men must be taken to Barisal. Efforts were then made to get boats, but the local police failed to induce the boatmen of the place to let their boats on hire on any terms at all, and consequently the men could not be got away till 3 in the morning. Well, the police could not insist on private persons hiring out their boats, but I think it is very much to be regretted that the local boatmen at Jhalakati did not show more humanity in this matter. However, the police did their best, but after they had secured the boats, the tide was against them and the wounded men did not get to Barisal till 2 o'clock next afternoon. Thereafter there was no delay. It has been said, and it is quite true, that warrants were not ready for their admission to the jail but they were admitted into the jail without warrants.

Now, Sir, we come to the question of an open and public enquiry. I did not quite understand what the mover wanted, but it has been made perfectly clear by subsequent speakers, that what is required is that an inquiry should be made by the non-official members of the Legislative Council.

Maulvi ABUL KASEM: I definitely stated in my motion that I wanted an open inquiry.

Mr. PRESIDENT: Order, order. Why did you rise and make those remarks without my leave?

Mr. SUBHAS CHANDRA BOSE: Is not the member entitled to make an observation by way of personal explanation?

Mr. PRESIDENT: That is for me to decide, Mr. Bose. When he rose up he should have stated that he did so on a point of personal explanation and should not have said anything more till I granted him leave to proceed.

The Hon'ble Mr. A. N. MOBERLY: My friend did not say what sort of open inquiry he wanted.

Mr. J. M. SEN GUPTA: On a point of personal explanation, Sir. The Hon'ble Member is wrong in saying that the mover of the motion or I did not say what sort of inquiry was wanted.

Mr. PRESIDENT: You are trying to explain on behalf of Maulvi Abul Kasem and you ought to know that you can not do so.

Mr. J. M. SEN GUPTA: May I say that neither I nor the mover asked for an inquiry committee solely composed of non-official members of the Council and I do not think any other member asked for it except one.

Mr. PRESIDENT: Order, order.

Maulvi ABUL KASEM: On a point of personal explanation, Sir.

Mr. PRESIDENT: Yes, Maulvi Sahib.

Maulvi ABUL KASEM: By open inquiry I mean an inquiry where all sorts of evidence will be taken and witnesses will be subjected to cross-examination and their evidence made public.

The Hon'ble Mr. A. N. MOBERLY: I am glad, Sir, that I have at last got it. Directly after this occurrence took place, a case was instituted against various persons including the Maulvi. One of the points at issue in that case was whether the character of the assembly was unlawful or not. That case came on for trial at Barisal and in the course of trial Mr. Blandy, Mr. Taylor (the Superintendent of Police) and Mr. Biswas (the Sadar Subdivisional Officer) were subjected to a detailed cross-examination on every point connected with this occurrence.

The evidence on this point was not very relevant, but we did not wish to burke the inquiry in any way . . . . . .

Maulvi ABUL KASEM: What about cross-examination; they were not allowed to be cross-examined on the incident of firing.....

Mr. PRESIDENT: I do not quite understand what you mean, Maulvi Sahib. Do you rise on a point of personal explanation or on a point of order ?

Maulvi ABUL KASEM: I want to say that they were not. . . .

Mr. PRESIDENT: You had better resume your seat.

The Hon'ble Mr. A. N. MOBERLY: The Counsel for the Crown was instructed not to object to any questions which were asked as to the facts of the occurrence and to allow any papers which the other side wanted to be put in. The case was *sub judice* from the 3rd of March up till the 1st of December when the case was finally disposed of. During these months we had inquiries made first by the Commissioner

into the original occurrences, second, by the Commissioner into the question of the wounded and the firing, thirdly, by the Deputy Inspector-General of Police into the conduct of the Police in connection with the delay that took place in removing the wounded at Jalakati, and, fourthly, by the Officer Commanding the Eastern Frontier Rifles into the military disposition of the force on which we subsequently obtained the opinion of the General Officer Commanding. None of these inquiries could very well have been made publicly, because the case was *sub judice* as it might prejudice the trial. However, directly after the occurrence took place some of the leading Muhammadans of Calcutta, including my friend the mover of this motion, went down to Barisal. They did not offer any assistance to the Commissioner who was making his first enquiry at the time, but they held a meeting at which I regret to say some extremely intemperate speeches were made. The first resolution condemned Mr. Blandy, and the second called for a Committee of inquiry. I only ask you, Sir, to look at the speeches in this Council to decide as to whether any inquiry which did not condemn Mr. Blandy would satisfy anybody. (Cries of: "Of course, of course".) The tone of these speeches is sufficient to show that communal and racial feeling is still running very high. We have got all the facts, I have given you all the facts, and I do not think that any good will result from going into this question again. So much for Kulkati.

Now I come to the question of the Pabna amnesty. I shall have to go back a little way to the riots which took place in Dacca in September, 1926. After those riots and when the cases were under trial, the Public Prosecutor and a friend of mine who was defending the accused and who is also a member of this Council got together and got the leading Hindus and Muhammadans together, and tried to bring about a compromise. They said it would be greatly to the advantage of communal peace if a number of these cases were withdrawn. They went to the Commissioner with these proposals, and the Commissioner sent them up to the Government and Government considered them and agreed to the withdrawal. Two cases were excepted from the compromise. Since then communal feelings have been much better than they were before.

The next communal case took place in Nadia in Palashipara last year. A number of cases were instituted there also, and there again the leading Hindus and Muhammadans in the district got together—and one of the leading Muhammadans is a member of this Council—and came up with proposals for the withdrawal of all the cases on both sides on the payment of compensation to the people who had suffered. They went down and got the consent of everybody concerned on both sides to the withdrawal of these cases. The cases were then allowed to be withdrawn, and I am glad to say that there has been no trouble in the locality since. I hope that the same gentlemen will manage to put a stop to trouble which has arisen in another quarter in the same district

where though there has been no serious rioting, there have been a great many complaints.

Coming to Pabna. The riots took place, as we know, in July, 1926. There were a number of prosecutions, but with the exception of one case all the accused were Muhammadans. The case in Pabna was rather peculiar. The original riot took place in the town. The Hindus who have been adjudged to have been responsible for the riot, themselves got into a panic which led to looting. Four hundred Muhammadans were convicted. There was not very much that was religious in that business. The Hindus were convicted in the riot case but were acquitted on appeal. We considered that the original occurrence was responsible for the whole of the outbreak in Pabna, and that this decision was wrong so we appealed to the High Court and the High Court in last December convicted the accused persons. The position then was this: we had a dozen Hindus who had been convicted of rioting; we had on the other hand about 400 Muhammadans in jail who would never have been there had it not been for the rioting. We had assessed a lot of people in Pabna for payment of compensation to the Hindus in the mufassal for the loss they had sustained from the looting, and those people who had been assessed put in a civil suit and got an injunction. The position was that, there were 12 Hindus on the one side and 400 Muhammadans on the other, and we could not get compensation promptly for the sufferers. . . . . .

(The Hon'ble Member here having reached his time limit was allowed two minutes more to finish his speech.)

. . . . . That was the Pabna case. Now, Sir, we wrote down to the local people asking them whether an amnesty would be for the good of the peace of the district. They said "Yes." We did not issue any arbitrary orders for an amnesty but having had the experience of Dacca and Palashipara and the results attained there; we put the case to the local people and they accepted the compromise, before final orders were passed. One more word, and that is about Calcutta. Calcutta is not like any other town in Bengal. My friend Mr. Suhrawardy mentioned a compromise in Bow Bazar—I know nothing about this compromise—but I do not think that a compromise between Muhammadans and Hindus in Bow Bazar can be taken as a compromise between the Muhammadans and Hindus of Calcutta. We have had no representation from the Hindus and Muhammadans of Calcutta about a general amnesty and I do not think that we can consider this question until we get one.

4-15 P.M.

A MEMBER: Will the Hon'ble Member be pleased to state whether the Commissioner's report was published?

Mr. PRESIDENT: Order, Order. The action that I am about to take will not create a precedent. But, as the subject under discussion is very important, I will allow a few questions to be put to the Hon'ble Member in charge, provided the questions are pertinent and important.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member be pleased to state whether Government has any intention of publishing the Commissioner's report which the Hon'ble Member has several times mentioned in his speech ?

The Hon'ble Mr. A. N. MOBERLY: Government have at present no intention of publishing the report.

Maulvi ABUL KASEM: Will the Hon'ble Member be pleased to state whether the situation at Pabna was not the same as that at Dacca?

Mr. PRESIDENT: That is a matter of opinion, and I do not allow that question.

Maulvi ABUL KASEM: I submit, Sir, that the Hon'ble Member has stated that wherever there was a situation. . . . . .

Mr. PRESIDENT: I do not allow that question. Order, Order.

The motion that the demand of Rs. 22,000 under the head "22D.—Executive Council" be reduced by Rs. 3 was then put and a division taken with the following result:—

AYES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Prometha Nath.
Bannerjee, Babu Jitendralal.
Biswas, Babu Surendra Nath.
Bose, Babu Sejay Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakrabortty, Babu Jatindra Nath.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Choudhury, Maulvi Golam Mawla.
Choudhury, Maulvi Khorshed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Amulya Chandra.
Faruqui, Khan Bahadur K. G. M.
Ganguly, Babu Khagendra Nath.
Gofran, Maulvi Abdul.
Gupta, Mr. Jogesh Chandra.
Haque, Khan Bahadur Maulvi Azizul.
Himatsingka, Babu Prabhu Deyal.
Hoque, Kazi Emdadul.
Huq, Khan Bahadur Maulvi Ekramul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Hussain, Maulvi Latafat.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Lala, Babu Sareda Kripa.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Nazimuddin, Mr. Khwaja.
Rahim, Sir Abdur.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur.
Rauf, Maulvi Syed Abdur.
Ray, Babu Radha Gobinda.

Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Dr. Sidhan Chandra.
Ray, Mr. D. N.
Ray, Mr. Kiran Sankar.
Sanyal, Babu Sachindra Narayan.
Sarker, Babu Nalinikanjan.
Sattar, Khan Sahib Abdus.
Sattar, Mr. Abdeel Razak Hajee Abdeel.
Sen Gupta, Mr. J. M.
Solaiman, Maulvi Muhammad.
Suhrawardy, Mr. H. S.

NOES.

Abbott, Mr. E. G.
Barton, Mr. J. F.
Casselis, Mr. A.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Cohen, Mr. D. J.
Dey, Mr. G. C.
Dowding, Mr. T. W.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Eddis, Mr. A. McD.
Ghose, Mr. M. C.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
James, Mr. F. E.
Lindsay, Mr. J. H.
Luke, Mr. N. R.
Macartney, Mr. J. G.
MacBean, Mr. J. A.
Macdonald, Mr. A.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Morgan, Mr. G.
Mukerji, Mr. S. C.
Nelson, Mr. W. H.
Parrett, Mr. P.
Phelps, Mr. Trevor J.
Prentice, Mr. W. D. R.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Saehse, Mr. F. A.
Sarbadhikari, Dr. Sir Deva Prasad.
Sarker, Rai Sahib Rebati Mohan.
Skinner, Mr. S. A.
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 61 and the Noes 43, the motion was carried.

(At 4-20 P.M. the Council was adjourned and it reassembled at 4-30 P.M.)

The following motions were called but not moved:—

Maulvi SYED ABDUR RAUF: "That the demand of Rs. 22,000 under the head '22—Executive Council' be reduced by Re. 1.

Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 64,000 under the head '22E.—Pay of Minister for Education' be reduced by Rs. 63,999."

Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 64,000 under the head '22E.—Pay of Minister for Local Self-Government' be reduced by Rs. 63,999."

Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 1,28,000 under the head '22E.—Pay of Ministers for Education and Local Self-Government' be refused."

Maulvi SYED ABDUR RAUF: "That the demand of Rs. 8,740 under the head "22E.—Ministers—Travelling Allowance be refused."

Maulvi SYED ABDUR RAUF: "That the demand of Rs. 300 under the head '22 E.—Ministers—Hill Allowance' be refused."

Babu AKHIL CHANDRA DATTA: I move that the demand of Rs. 1,46,000 under the head "22E.—Ministers" be refused."

Sir, our position is well-known in this matter and this matter has been discussed threadbare and I do not think there is anything new to be said. I propose therefore to be brief: we are not for granting this demand on the simple ground that Ministers are a part of that unworkable machinery of diarchy; and it is admitted on all hands that diarchy has failed as it was bound to fail. Four or five years before it might have been a matter of controversy as to whether the system was good or bad or whether Ministers could do any good to the country. But in the light of our past experience of these 8 or 9 years the question is now set at rest and it is now admitted by every body—official and non-official—and by all shades of opinion—that the system has failed. We have got the opinion of those gentlemen—Members and *ex*-Ministers and of the late Governor whose opinion I had quoted yesterday in this House that the system could not possibly work efficiently. If any reason is wanted at all, I think section 52 of the Government of India Act under which Ministers are appointed is a sufficient reason for refusal of the Ministers' salary. Under that section Ministers are appointed by the Governor and they hold office at his pleasure. The appointment is made by the Governor and they can continue in office so long as His Excellency pleases but it is for the Council to grant their salary. Is this not a most anamolous position? Ministers are appointed quite independent of the question as to whether or not they enjoy the confidence of the House for whom the House is asked to grant their salary. From our past experience we have found that Ministers are appointed from among those gentlemen who have no following in the Council at all. What is the result? The result is that having no following in the House they rely upon the Government officials and nominated members for support in all matters. Consequently, whenever there is any question between the Government on one side and the people on the other, invariably Ministers have to vote with the Government. As the sun rises in the East with equal certainty our so-called popular Ministers have to vote in the same lobby with the Government Members. We have not had up till now within these 10 years a single instance in which our so-called popular Ministers have voted with the people. Not to speak of minor matters—even on matters of vital interest in which the people of the country are very very keen and in which there is no difference of opinion amongst them—even on the question of the treatment of political prisoners, the Repeal of the Repressive Laws—even on such occasions our so-called popular Ministers

have never voted with the people. As soon as these Ministers are appointed, their opinion change and their movements change from one lobby to the other lobby. My friend on my left whispers that they change colour conveniently as occasion arises like that of a chameleon. Now, Sir, this is bound to be the position in view of the fact that they have got to rely on the official support for their continuance in office. There may be one or two individuals who may do otherwise but their number is very few. The existing system is such as for ordinary people—I may freely confess this for ordinary people unless a man is exceptionally strong, it is rather very difficult to do any good to the country. These Ministers have got absolutely no control over the finances. They are entrusted with so many Nation Building Departments, etc., but they have got no voice—no real control over the finances. They are absolutely at the mercy of the Finance Member in the matter of any new scheme for their Nation Building Departments. In fact they are Ministers only in name. I am not speaking with regard to a particular individual but with regard to the system as a whole. Ministers under the existing circumstances are worse than the Members of the Executive Council. The Members of the Executive, if they so please, can do some good, but not the so-called popular Ministers because of the fact that the position of Executive Council is assured by the Act. Even the Governor has got sometimes to yield to Members of the Executive. Under section 52 (3) Ministers have got no voice. In relation to the Transferred subjects the Governor shall be guided by the advice of Ministers, but he is not bound to follow their advice. The action is the action of the Governor and the Ministers only advise him in regard to their Departments.

4-45 P.M.

In fact the two halves of the Government—the Executive Council and the Ministers—can be described as two wives of the Government. Certainly our Ministers are not the favourite wives, and, therefore, they are always at a disadvantage. If our Ministers are responsible to the legislature and are removable by them, and if they are guided in all matters by the advice of the elected representatives of this House, then only they can be regarded as popular Ministers, and then only this House may be asked to grant their salary. Otherwise why should this House be a party to an appointment in which there is no element of responsibility, and when the appointment is made more in the interest of the service of Government than the service of the country. Such being the case, I should think that our Ministers are really no Ministers and they are a mere apology for Ministers. With these words I move the motion that stands in my name.

Babu JITENDRALAL BANNERJEE: Mr. President, Sir, I have great pleasure in supporting the motion of Babu Akhil Chandra Datta

—all the more so in view of the allied motion that is coming up for discussion within a very few days. The result of the voting to-day will be watched by me with peculiar interest. It will be a test of the sincerity of some people. It will serve also as a pointer to me as regards the way in which I myself may be called upon to vote on a subsequent motion. The Maharaja of Mymensingh has asked for and obtained leave of the House to move a motion of want of confidence in Ministers, and I know that a notice to the same effect was given also by Maulvi Abdul Karim for whose grey hair and large experience I have the greatest possible respect. Therefore, Sir, I say that, when the voting on this discussion comes on to-day, I shall watch it with peculiar interest. I shall eagerly watch out for the Maharaja of Mymensingh whose substantial anatomy, like that of your humble servant, can hardly be missed in the lobbies. I shall eagerly look out also for the agile and alert personality of Maulvi Abdul Karim.....

Mr. PRESIDENT: Mr. Bannerjee, you are not talking without bias and I do not know why you should think fit to indulge in personalities.

Babu JITENDRALAL BANNERJEE: Sir, a little personality will break no bones specially when they are so well padded.

Mr. PRESIDENT: But I will not allow you to do so. Please confine yourself to the motion.

Babu JITENDRALAL BANNERJEE: Above everything, Sir, I shall watch out for Sir Abd-ur-Rahim—the man behind the scene and whom I can describe as the organiser and Captain General of the plan and campaign of operations. (Laughter.)

Mr. PRSSIDENT: You are going into personal matters again. Please give up that line altogether.

Babu JITENDRALAL BANNERJEE: There is one misunderstanding which I should like to clear up at the very outset. We on this side of the House do not think that by killing diarchy we will paralyse the Government. We know that the Government has stuck its tentacles too deep in the soil of the land. We labour under no such delusion. We know on the other hand that most Europeans will welcome the dissolution of the Ministry, because work even under the nominal supervision of a black man is odious to their *amour propre*.

And yet diarchy must be destroyed. It is wrong and vicious in principle. You cannot have a Government half and half, half-responsible to Parliament and half-responsible, nominally

to the Legislature, but really to the Governor or whosoever you like—Secretaries, Under-Secretaries, Deputy Secretaries *et hoc genus omni*, nay, perhaps even to the chaprassis in white and gold who form the most imposing part of the ministerial paraphernalia. The Minister's position is not only false and anomalous, it is hateful, odious, derogatory to one's self-respect. The Minister is a thing of rags and patches, he has no basis of strength upon which to stand. He has no control over the purse, he has to be content with the leavings of the Reserved Departments: he has no control over the policy, he is overridden by His Excellency the Governor. He is not the master even in his own house, for there his civilian subordinates flout him with impunity and carry things with a high hand, over his head or behind his back as the case may be.

Sir, I cannot say much about the Hon'ble Nawab Musharruf Husain, for, in all political matters, the Hon'ble Nawab is as innocent as a babe new born. But what shall I say about Sir P. C. Mitter—a Kayastha of Kayasthas—I mean no offence to any body, not even to you, Mr. President—a Kayastha of Kayasthas, possessing both by right of caste and in the right of his own self, one of the astutest brains in Bengal. What shall I say of him? He surely knows, none better, of all the implications and bearing of a Minister's position. He has tasted, none deeper, the sweets and bitters of official position. How comes it then that we find him once again allowing his neck to be placed under a cruel and galling yoke? How comes it then that we find him once again, almost at the fag-end of life, engaged in one of the most thankless and profitless tasks in the world? Spinning ropes out of sand, trying to work a system which has stuck in the mire and which refuses to work? How can we possibly repose our confidence in one who is so blind and deaf to the omens and signs of the times? How can we possibly repose our confidence in one who persists in a futile vital course of conduct quite against the whole current of popular opinion in the country?

Sir, so far as this shortsighted British Government is concerned, it deserves alike our pity and contempt. It refuses to profit by the experience of the past: it refuses to learn from the lessons of history. Again, again and yet once again has Bengal pronounced the doom of diarchy in terms unmistakable save to the veriest fool, and yet we find this Government valiant against despair, proof against wisdom and experience, girding up its loins again and yet once again in a vain attempt to keep diarchy alive. But the thing cannot be done. Diarchy refuses to live, it is a plant which does not flourish on the soil of Bengal. This soil, so rich, so fertile, so hospitable, hospitable even to enemies, is unfavourable to the growth of this sickliest of all plants. Besides, the curse of barrenness is upon it. It bears no flower, it brings forth no fruit. Its record is one of blank and utter negations. "Cut it down, why cumbereth it the ground"?

Babu JATINDRA NATH CHAKRABURTTY: Sir, I rise to support the motion of Babu Akhil Chandra Datta and in doing so I do not intend to inflict a long speech on this House. I have really no patience for the array of constitutional arguments for or against the reforms; I cannot bring myself to respect the attitude of the petty politicians, who would come forward with a confusing rally of logic and propaganda. Sir, I do not propose to confuse the issues, when the issues before the country are already confused by the shameless lies and contemptible sugar-coated half truths so malifluously used by the agents and instruments of autocracy.

Are we really called upon to pronounce our verdict in any constitutional issue? If we are, we state clearly and loudly that the constitution is a fraud. It is a fraud because it is autocracy only veiled. It is tyranny, without the note of boldness and honesty that was the privilege of Czars and Kaisers. It is hypocritical, in that it does not dare to show its steel lined face and seeks the cloak of a bureaucracy-patented popular responsibility. Down with hypocrisy, out with tyranny, away with fraud.

That is our cry, that is the cry in the slums of cities. That is the cry in the famished huts in the countryside. That is the message from the groans of the prison cells in far away Burma and Trichinopoly.

Sir, it has been said that we are thoughtlessly militant without being prudently constructive. Have we any thing to build on? Are we to build on sands? Three successive elections have made it clear that this fraudulent constitution is not wanted. Three successive votes in this House have proved that diarchy has no friend in the country. It is frankly and freely a game of threat, a bullying trick. From the other side they say "You must have it otherwise. . . ." The question at issue is whether any responsibility has been conferred upon Ministers' new opportunities of service created.

It has been the experience of the Ministers that they are no better than glorified clerks at the mercy of the Governor, unfriended by the Finance Department and contemptuously ignored by the Secretaries. In these circumstances the only co-operation that can be demanded is that which subsists between a master and a servant the unquestioned obedience to orders, a spineless submission to settled facts, a thoughtless acquiescence to policies and programmes determined by agency other than the Ministers. The co-operation demanded is of no better quality than that which obtains between a slave and a slave driver. The Bengal Legislative Council killed diarchy three times during the past few years. That was proving to the demonstration that the constitution was not acceptable to them. The talk of responsibility is all humbug. Freedom does not grow in an atmosphere of jealousies and suspicious and unbeliefs. The only good work the Ministers can do is to help in the continuance of national slavery in the disguised forms of Reformed Constitution.

Sir, we have still some spark of life left in us, crushed down by tyranny, we have still a feeble voice that rises like a prayer to the stars and says "Hurl back the fraudulent offer to the tyrant's face." Revolt is and ought to be in us. Revolt is in our blood. Revolt should course through our blood into our veins. From the living graves of prison houses comes the message—"Speak straight, stand straight, do not compromise with tyranny." The anarchy in the countryside, the suppressed groans of poverty, the fretful looks that humiliations bring—they all proclaim. "Stand erect and defy." To inhuman repression, to ruthless exploitation they expect our voluntary co-operation. This is foolish, this is futile, this is insulting. Tyranny must be smitten low.

Khan Bahadur Maulvi AZIZUL HAQUE: So many things have been said for and against diarchy that I believe that he is an unfortunate fellow who speaks a good word in favour of diarchy inspite of the arguments heard on the other side of the House. I do not think there is anybody in this country who has not condemned in the most scathing terms the unsuitability of the diarchical system of Government but I believe that there is a section of people who want to work diarchy not because diarchy is good or bad but because the machinery is there and has to be worked for the salvation of our country. I think, Sir, he is a bad soldier who leaves the army when he finds that he has been abandoned by everybody. I think he is a bad soldier who, when surrounded by the enemy on all sides, runs away and takes shelter. Sir, it is a great pity that diarchy has not been worked at all, for I sincerely believe that in that case we might have been able to achieve something. In Bengal, Sir, diarchy has not been given any fair trial at all. I can understand the Swarajists' point of view who think that something higher and better is needed in the interest of the country but, Sir, diarchy has suffered not so much from its traducers as from its friends. Diarchy is prevented from functioning by reason of personal jealousies among its supporters and has suffered very little, I say, from the Swarajists who have taken a very strong and consistent position in the very beginning, who hold that under the present circumstances diarchy is unworkable; but I believe in my heart of hearts with many of my friends that had the Swaraj party accepted office and ministry they would have been able to do much for our country even through this system of diarchy. But, Sir, from the very beginning none has co-operated with diarchy; we had not a word of constructive suggestion for it but only destructive criticisms; during the budget discussion we confined ourselves to general discussions instead of putting forward constructive proposals and it is on that account that diarchy is going to be wrecked. But, Sir, in spite of the fact that diarchy has some good element in it, I am prepared to say with its traducers that it is bad, it is more hopelessly bad than it is made out to be. On the other hand,

Sir, diarchy is there and it will be there till it is taken away by Parliament. It is unfortunate that the Parliament of Great Britain is the arbiter of our fate, but so long as it is there I think we should accept the realities of the situation and make the best of this bad bargain. I am one of those, patriots no less they are, who choose to take advantage of the present situation of things and work up the realities although I know that this would not enable me to realise very high ideals. I think that is the stand point of those who are in favour of diarchy but I do still say and hold that diarchy has been rendered more unworkable not by its enemies but by its friends, by those who have expressed their support for it. Personally, when I study the political situation and the main political facts of the last few years I am tempted to feel that though I shall not be a party to it, yet I shall welcome the day when diarchy will go. It has opened the flood gates of many things which had better been left unsaid on the floor and platform of this House. It has opened flood gates for personal jealousies which have been rampant and brought shame to those who have taken part in these affairs. I believe that I shall welcome the day—but I shall not be a party to it—when diarchy goes. Sir, I cannot understand the position of those who want to be deaf and blind to the realities of the situation. Could we not have done some good to our country if we worked diarchy, Sir. Could we not have reduced the toll of life that malaria and other diseases take in Bengal? Our finances require rehabilitation in the light of the modern circumstances and I do ask whether it is not yet possible for us to do something even in the midst of these adverse circumstances. I admit, Sir, for the sake of argument, the statement of my friend, Mr. J. L. Bannerjee that the Ministers have no fund at their disposal and therefore they are not in a position to start policies of their own. But I believe that the Ministers have not been able to enunciate any policy because they have not been allowed time to evolve any, because the lives of the miserable Ministers have been made more miserable at every meeting of the Council when the Damocles' sword of "No-confidence" has been threatened or brought against them. I fail to understand the position of those who are in favour of diarchy, who have voted for the Ministers' salaries on all occasions but at every meeting have gone against the Ministers without giving them a moment's respite in the midst of these adverse circumstances to think of any policy. Sir, the Ministers are very often men who have taken no part in the political administrative life of the country and they suddenly find themselves presiding over their departments with the Civil Services behind them and around them and before they can adjust themselves to the new situation and do a bit of thinking, what assistance do they get from you? The only thing that the Ministers can possibly expect is a motion of no-confidence being brought against them. In these circumstances what can they do? Is any opportunity given to them to evolve any policy?

I again say that so far as diarchy is concerned my Swarajist friends *have taken a perfectly consistent attitude and I do say that they are those who are going in advance of the requirements of the country* leaving the present to be worked up by the people who want to work diarchy. Their position is something higher and nobler and they want to gain for their country a status which will be better and nobler. At the same time they ought to realise the position of those who are working the realities of the situation. My greatest condemnation is for those who are not idealists and visionaries as the Swaraj party, but who are out for the purpose of their own advantage. I say, Sir, that their position is absolutely inexplicable. I again repeat, Sir, that I shall welcome the day when diarchy goes but that as long as it is here we should work it to the best of our power. As I said before, I do not think that there is anything to be said on behalf of those who have supported the Ministers' salaries but have tried to exploit the new situation to their own ends.

Although I say that diarchy must go, yet I sincerely believe that it presents a machinery which we can utilise for our betterment, for I believe that the fight must be inch by inch and step by step—although that step be faltering—till we can bring about something suited to the best interests of the country.

Babu RADHA GOBINDA RAY: Mr. President, I rise to-day to support the motion of my friend, Mr. Datta with a very clean heart. I do not possess any feeling against any person here, because I am a new comer. I support the motion of my friend for political, constitutional and sometimes for economic reasons. The Ministers' departments are consuming the fat sum of several thousand rupees without having the requisite amount of good work at their credit and have been thought to be useless super-imposition upon the over-burdened Government by the people outside and also by many members here. As regards the idea of responsible government which has been said to be our goal of national aspirations, and the Transferred departments under the charge of the Hon'ble Ministers are but samples of "Responsible-Government-instalments", I must frankly confess, we are hopelessly deceived. The Ministers in power now are but weak limbs of the bureaucratic system of administration which we all condemn. The Ministers here are no better than "Khas Government servants" and they have not done anything to unloose the knots of political bondage, but on the contrary have done everything to tighten it, with all their might. Sir, I cannot conceive of a greater anomaly than these Ministers who—though they are to be looked upon from constitutional standpoint as the responsible officers—supported by the representatives of the people, in actual practice are as unsympathetic—if I may be allowed to use the expression—as the other officers of the Government, and as much opposed to the people's interest as are the officers of the

Reserved departments. I beg to draw the attention of my fellow members here, that the interest of the Government and the people are not identical here, in Bengal, and the Government here are really the master while the people are slaves. In the constitutional fight between the people and the Government the Government has been compelled to adopt the artifice of hoisting up "the Ministry show," decorating it with the deceptive garb of Democratic Parliamentary 'cut' in order to hoodwink the clamorous people and to pacify or rather, to rally the peaceful and weak section of the political fighters. This artifice we are clever enough to see through, and as fighters in the Freedom's battle, we must dash it out and take a clear vision of things. Sir, the gentlemen have allowed themselves to be styled in rather deceptive name of *Mantris* (ministers) are not only doing nothing but really obstructing the progress of the peoples march towards freedom. Had I been allowed to enter into the closed region of their inner psychology I would have shown that neither the love of country nor the sense of duty nor any other high moral sentiment but something grossly personal calculation of profit and loss is really the motive spring of action of our Hon'bles—The Ministers.

The economic reason, Sir, is no less damaging than the political and constitutional reason already mentioned. Each Minister consuming the fat sum of Rs. 64,000 a year is really revolting. Much has been said and discussed on the floor of this Council in the past about the connection of honour, prestige and dignity with the amount of salary which a person or persons enjoy. I need not recapitulate them now. Whatever may be the view of the members on that point, I need not enquire. But one thing you will all agree to in a poor country like Bengal where millions of people are practically on the verge of starvation, where malaria is carrying away lakhs of men, women and children to death's door, where the darkness of ignorance is deeper than the darkness of Hell itself and, lastly, where the people in the rural area are getting no drop of water to quench their thirst in the terribly hot summer—in such a country the Ministers, the popular representatives in the Government, the people's idol, their fellow sufferers, their flesh and blood should consume each the fat sum of Rs. 64,000 a year is preposterous. Remember, Sir, we are here to sanction equitable expenditure of public money—people's money—the money which represents their congealed blood. Rs. 64,000 represents approximately 172 years of hard toil of a farmer in the field, and of an artisan in the factories (taking Re. 1 per diem as their wages for 8 hours labour) in hot summer and chilly winter.

I do fully weight the glory—the responsibility, the dignity, etc., of the position of Ministers and the necessity of fat salaries to keep up the show of their vaunted position. Position! Before whom? I beg to ask. Before people? The people's idol—people's leader—people's representative must acquire "position" beforehand. They

cannot aspire to be Ministers unless and until they acquire the position by faithfully serving the people for years and years together. The position first, and the occupation of Ministry afterwards. But in the case of the present Ministers it is not that. The conferred dignity, the dignity acquired through the backdoor of Government servitude (the Government that is opposed to the interests of the people) must have the gilted decoration of the present paraphernalia for the upkeep of which the people's money—nay their very life blood—is being spent like water.

5-15 P.M.

Being the representative of a set of people—whose condition is too pitiable to be described in words—the constant accompaniment of whose journey in lives is never-ending tears—I think it would be criminal negligence of duty—an unholy betrayal—if I do not raise my voice of protest against this sort of extravagant expenditure of poor people's money in every department of Government, specially in a department which is said to be our "Own." I know that my cry is really a cry in the wilderness—futile—hopelessly useless—yet being a Hindu and having firm faith in the 'All Loving and All Wise dispensation of divine justice'—I must rest assured that this my inner goading to speak comes of necessity in the order of things.

With these words I request my fellow members to refuse the pay of the Ministers.

Mr. W. L. TRAVERS: Sir, in a previous debate this afternoon I received from a Barrister on the other side some fatherly advice. I believe also that it was gratuitous which is unusual. But I thank him for the superior exposition of his opinion. I should like to say one word on the subject. The hon'ble member said that he failed to understand our point of view. In regard to that I need only say that the misunderstanding is mutual; we also on this side fail to understand some of the opinions and views of the other side. In my opinion it is owing to this failure to understand each other that much of the distrust is so unfortunately caused. That there may be no misunderstanding about the voting to-day, I wish to say just one word. I am not going to repeat all the arguments about the merits and demerits of diarchy; they are very stale. In our opinion diarchy does provide an opportunity for the Ministers to serve the people of their province by advancing social reforms and it is because that social reform is so urgent, and because we think that the present Ministers are prepared to do their best in advancing the cause of social reform, that we are prepared to support them to-day.

Mr. S. C. MUKERJI: This is the seventh occasion on which I have heard a discussion on the salaries of Ministers and it reminds me of

one Bengali adage, Abodká bojhabo Kata bodh náhe mane; Dhakeka bojhabo kata nitya Dhán Váne. We are hearing this argument, Sir, times without number—they have become hackneyed, stale and rotten. I had not the slightest intention of opening my lips this afternoon had it not been for the scathing denunciation of diarchy by Mr. Jitendralal Bannerjee. Mr. Bannerjee says that diarchy has failed in Bengal because the Ministers have got no backbone, no initiative. They cannot initiate a policy and are practically under the orders of their secretaries and even under the orders of the chaprasis of their secretaries. Sir, I simply say that that great old man of Bengal, the late Sir Surendra Nath Banerjea, demonstrated it to the people of Bengal that diarchy is possible if only an opportunity is given to the Ministers. It is that great son of Bengal who made possible the Swarajist Corporation; it is that son of Bengal who in this Council made it possible for that great man Mr. C. R. Das to be the first Mayor of the Calcutta Corporation. I say again it is he who demonstrated it to the people of this province that diarchy is possible.

You talk of Ministers being under the orders of I.C.S. secretaries. I saw the I.C.S. secretaries quake in their shoes before him. (A voice: Who was the I.C.S. Secretary may I know his name?) Who could have the courage or daring to challenge that great man when he considered a thing to be right? Diarchy has failed not because it is unworkable. Diarchy has failed because you are obsessed with an idea, because you start with a postulate, a theory. Diarchy has failed not because the Ministers are not in a position to work it, but because of the conduct of some of the hon'ble members of this House, whose brilliant somersaults in this Council have simply staggered me, who change their colours like a chameleon—who are seen in one colour to-day and in another to-morrow—and my Swarajist friends have made them tools in their hands and lead them by the nose. Diarchy has failed not because of the Ministers but because the people are not sincere.

Babu BEJOY KRISHNA BOSE: Sir, I would not have risen to take part in this discussion at all had it not been for the passionate appeals and misrepresentation of facts made by the last two speakers —the speaker who has just taken his seat and Khan Bahadur Maulvi Azizul Haque. I do not think it is right and proper for members of this House to abuse their colleagues in the way they have done. I have heard the same argument repeated by the two speakers that diarchy has failed not because it was not given a chance, not because it is not workable, but because of the friends of diarchy who have become tools in the hands of the Swarajist and other people out of personal animosities towards the Ministers. I do not know by what motive my friend Khan Bahadur Maulvi Azizul Haque was actuated

when he voted on the last occasion to drive out the two Ministers. Mr. Satis Chandra Mukerji also voted against one of the Ministers on the last occasion. But, Sir, I do not like to emulate their example and wax eloquent over the glories of diarchy. I should like to place certain facts before the Council. Diarchy was given a long rope for three years in the first reformed Council. There were no Swarajists to trouble the Ministers. What did diarchy accomplish? Sir P. C. Mitter was a Hon'ble Minister for three years in the first reformed Council. He was Minister for Education. Had illiteracy been driven out of the country by half per cent.? Had any considerable amount been spent on education, of the portfolio of which he was in charge? All that we know is that there was constant bickering between him and the Calcutta University. Now, let us see what evidence he gave before the Muddiman Committee after running diarchy for three years. What did he say? I will quote his own language. He said: "Diarchy is unworkable and the difficulties of working it will grow more and more." I should like to ask him why he has taken upon himself the task of running diarchy again when in his opinion the difficulties of working it would grow more and more. I should like to ask Sir P. C. Mitter what is his policy and on what principle he has accepted the Ministry. I charge the Government with deliberately flouting public opinion and appointing Ministers who have got no following and who do not command respect in the country. Sir P. C. Mitter lost all respect when he signed the report of the Rowlatt Committee. Since that day he has lost all confidence and this is the gentleman who has been selected by His Excellency the Governor as a Minister. Sir P. C. Mitter, before he accepted his present office, had enunciated a principle on the floor of this House in August, 1924, when Mr. Ghuznavi and Mr. Fazl-ul-Huq were sitting tight on the ministerial *gadi*. What did he say at that time? He said that unless one was lost to all self-respect, he ought not to be a Minister when he had got no following or party, and he said further: "I decline to be a Minister because my party is not in a majority;" and he said on that occasion that the only gentleman in the Council who was a member of the Liberal Party was Babu Jatindra Nath Basu and that others were mere pretenders. He named one other Liberal whom he would have supported, namely, Babu Surendra Nath Mallik, who, however, was not a member of the House then. On these considerations he refused to be a Minister. I would ask him to say who are the real, true, genuine, Liberals here in this Council who support him in the ministerial *gadi*. Ransack the list of members if you like, you will find four or five gentlemen who have any pretensions to call themselves moderates, but of them four are nominated by Government. Some of my friends are whispering the name of Babu Nagendra Narayan Ray. I do not know whether he belongs to the moderate party or any party except the Government party. The only gentleman who belonged to

the Moderate party is Sir Deva Prosad Sarbadhikari, for whom I have the greatest respect. He acted as a true Liberal when he sent a telegram to the President of the Bombay National Liberal Federation not to co-operate with the Simon Commission. Then let us see who are the other Liberals. They are Mr. P. N. Guha, Mr. Bejoy Prasad Singh Roy and perhaps Mr. Satis Chandra Mukerji. Perhaps Rai Jadu Nath Mazumdar Bahadur may be called a Liberal and Rai Badridas Goenka Bahadur too, though he does not I think, belong to that party. I do not know whether Sir P. C. Mitter himself is now a true Liberal or a "pretender." His own National Liberal Federation, consisting of all the distinguished Liberals in India, have refused to co-operate with the Simon Commission. What is he doing? What a sorry figure he is cutting, compared with the Ministers of Madras? He is outwardly sitting on the fence, but privately he is helping the Simon Commission. This is the gentleman who calls himself not a "pretender," but a true Liberal. I say he is a "pretender," now that he has flouted the considered and deliberate opinion of his own party. Sir P. C. Mitter says that diarchy is unworkable and the difficulties of working it will grow more and more, but he says—let me work the diarcy for the little good that might come out of it. His deliberate opinion is that diarchy is unworkable, but still he is willing to take up the ministry for whatever it is worth. Sir, petty-fogging has no place in politics. The affairs of a Province have to be conducted on other considerations—considerations of true statesmanship.

Mr. PRESIDENT: It is now 5-30 P.M. and I think we should adjourn now. Mr. Bose, you may continue your speech to-morrow, if you like.

Adjournment.

The Council was then adjourned till 2-30 P.M. on Friday, the 16th March, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta on Friday, the 16th March, 1928, at 2-30 P.M.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers and 116 nominated and elected members.

Unstarred Questions

(answers to which were laid on the table).

Agriculture Standing Committee.

76. Mr. F. E. JAMES: Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state how many meetings of Standing Committee on Agriculture were held during the past year?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Sir Provash Chunder Mitter): One.

Standing Committee on Commerce and Marine Departments.

77. Mr. F. E. JAMES: Will the Hon'ble Member in charge of the Department of Commerce be pleased to state how many meetings of the Standing Committee of the Commerce and Marine Departments were held during the past year?

MEMBER in charge of DEPARTMENT of COMMERCE (the Hon'ble Mr. A. Marr): No meeting was held.

Buffaloes, restricted working for draught purposes.

78. Mr. C. MORGAN: Will the Hon'ble Member in charge of the Police Department be pleased to state when it is proposed to issue orders for the current year under section 29 (*2*) (*bb*) of the Bengal

Cruelty to Animals Act (Bengal Act I of 1920) regarding the hours during which buffaloes may not be used for draught purposes in Calcutta?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. A. N. Moberly): The necessary notification was published in the *Calcutta Gazette* of the 15th March, 1928.

DEMANDS FOR GRANTS.

22.—General Administration.

Babu BEJOY KRISHNA BOSE: Sir, yesterday while I was speaking on this subject I was speaking from memory. It is known to my friend Sir Provash that I have no personal grudge against him, nor has he any against me. When I quoted his speech I was under the impression that I was correct. When I went home last night I read his speech and found that I was absolutely correct. I will only make certain quotations from his speech of the 26th August, 1924. He said "that there are just two elected members in this House who belong to the Moderate organisations and who are members of this Council. One is myself and the other is Mr. J. N. Basu. I have no party bond with these pretenders who pose as Moderates." He went on to say "I would much rather see only one party in this House than a number of disunited parties in the garb of Moderates. I have been told that as the Ministers are Moderates for party reasons I must vote for them. I have no such bond with them. I have no party bond with the present Ministers who do not belong to such organisations I ask, Sir, the Ministers through you, are you working the Constitution by trying to run it without a real party behind you? And if you have no party, there can be only one answer, namely, that self-respect demands that you should not be in the place you have been asked to occupy." And towards conclusion of his speech he said "Although I am not willing to accept office as Minister for the simple reason that I realise that my party is in a minority in the House, but if Government would listen and take the advice of those who are not Swarajists, I undertake to form a more stable Ministry." Finally, he made a last appeal to Mr. Fazl-ul Huq and Mr. Ghuznavi by saying "Resign and end with this humiliation."

Now if that was his view in 1924, I asked him yesterday and I ask him again to-day, what is the party behind him now? The European officials and the nominated members—have they formed a party behind him to support him? Such a situation, dependence upon officials, Europeans and nominated members has been described by the

Hon'ble Nawab Nawab Ali Chaudhuri as most undifying. I also ask this House if it is at all dignified for a Minister to run a Ministry with European officials, Anglo-Indians and nominated votes. May I ask whether the Ministers can really lay down a policy. Policy is really enunciated by the Secretariat? That policy he is really called upon to carry out; is he merely a post office of the Secretariat? Have they got any power to introduce a new policy and to execute the same. If it is not so, it is humiliating to accept the position of a Minister.

I should like to say a few words with regard to the other Minister, the Hon'ble Minister for Education. I ask him whether he has the support of the Moslem community behind him. All that I want to say with regard to him, I hope I shall be allowed to say next week, as I have no time to-day. To-day I simply ask him whether he has the support of the Moslem community behind him. I ask him whether in January, 1927, he was not himself present at a public meeting at which a resolution was adopted that no member of the Moslem community should work either with Mr. Byomkes Chakravarti or with Sir P. C. Mitter. This resolution was passed in the Albert Hall, and the Hon'ble Nawab Mushrruf Hosain was present there. I ask him what self-respect had he when he went behind that resolution to which he was a party and accepted office. Yesterday I noticed him remaining neutral in the division on the Kulkati motion. Nawab Mushrruf Hosain was openly charged in the papers conducted by his own community, the Moslem community, with corrupting public life. This has appeared in the *Mussalman* in January last, and it has not been contradicted. Instances have been given how when several young men went to him for favours he asked them if they were connected with any member of the Council and when it was found that they were not they were asked to clear away. I submit that a Moslem Minister who has not got the Moslem community behind him cannot act as a popular Minister, though he is an elected member of the Council. The Nawab is a place seeker. He voted against the Ghuznavi-Chakravarti Ministry and so much elated was he that immediately after the fall of that Ministry he gave us grand dinner at Peliti's little did we dream at that time that while drinking the toast of "downfall of the Ministry" he was secretly whispering over his glass "success in my new venture."

Maulvi ABDUL KARIM: I had no mind to take any part in the discussion regarding the resolution before the House. But as my friend, Mr. Bannerjee, in his yesterday's speech was pleased to make a passing but a pointed reference to me, I think it desirable to say a few words. In the very beginning I should say that I have always held that the Reform Scheme of administration, hedged in, as it is, by many objectionable limitations and reservations, is most inadequate and unsatisfactory and falls far short of what we aspire after. As for the

diarchical system of administration I had to condemn it perhaps before my friend heard of it, as it had not come into existence then. I had to lead the Surma Valley deputation that waited upon Lord Chelmsford and the late Mr. Montague. As the spokesman I was cross-examined at some length by both of them. One question that was particularly put to me was what I thought of the scheme put forward by Mr. Curtis. When I said I had not studied it, Mr. Montague seemed rather displeased. He then explained to me what it was and I expressed much misgiving as to its working satisfactorily. I told him that instead of putting the diarchical system into operation in all the provinces it would be well to give provincial autonomy to one of the important provinces and to see how it worked for a term of five years. So you will see I am not enamoured of the diarchical system. But I should say that I think it is an advance on pure autocratic system of Government. I think some useful work can be done provided the right men are selected, men with knowledge and experience above those of "a new born babe." If you put square men into round holes, it would be unreasonable to expect better results than what we have got bitter experience of. Shortly after the appointment of Sir P. C. Mitter as Education Minister, a veteran educationist, one of the best officers in the Department, now retired, asked me "what do you think of an Education Minister who does not know the difference between a lower primary and an upper primary school." This was said of a man for whose intelligence and ability I have the greatest respect as these are far above those of "new born babes." Such Ministers take a long time in acquiring a sufficient knowledge of the subjects they have to deal with and the departments they have to run, and by the time they acquire it, their term is up. In spite of all this I think Sir P. C. Mitter might have been able to show some tangible work in the latter part of his term if unfortunately he had not been entangled in an unseemly controversy with an intellectual giant like the late Sir Ashutosh Mukharji. My belief that it is not impossible for a capable Minister to do some useful work has been confirmed by what I have come to know of one of the successful Ministers in India. I had occasion to meet at my Ranchi house Sir Fakhruddin, who is Minister for Education in Bihar for the third time. In my conversations with him I learnt what he had been doing for his Province. The fact that he was excluded from the "no confidence" motion that was made against his Hindu colleague in the Bihar Council and some of the Hindu members while criticising the work of the Hindu Minister approvingly referred to his work, goes to show that he has not been a failure.

2-45 P.M.

In passing I may say that I am in entire agreement with my Swarajist friends in many important matters, and if I could go the

whole hog with them as regards their policy of wholesale obstruction, I would have joined their party long ago. As the joint author of the Hindu-Muslim pact in Bengal I had frequently to come in contact with the founder of the party, the late Mr. C. R. Das, and I was much impressed by his ideals and ideas.

My friend Mr. Bannerjee in his yesterday's speech said that he had respect for my grey hair and wide experience. I need scarcely say that I am much thankful to him for his kind complimentary remarks. I hope he will have equal respect for my word, for my pledge. I think he would not like that at this age I should go back upon my word. Perhaps he does not know the mandate I got from the constituency that returned me to this Council. In the previous term a Swarajist was returned by the same constituency. This time he was my rival and being the sitting member had some advantage over me. Besides he was very influentially backed by a Hindu zemindar, who was himself returned to this Council as a Swarajist member by the non-Muslim constituency of the same locality. Moreover, all sorts of tactics, fair and unfair, were resorted to, particularly by the gentleman referred to (I hope he will excuse this reference if he is in this House—everything is fair in love and war). While one day out in my election campaign I halted at a mosque to say my evening prayers. I had a canvasser with me. He was asked by a man of the locality who I was. When he was told that I was so and so the man showed great surprise and said this must be some other man. For, only about an hour before, the electors in that village were told that Abdul Karim was not really a Mussalman, he had no beard, he did not say his prayers.

Babu JITENDRALAL BANNERJEE: On a point of order, Sir. Does the question of relevancy come in only when the speech is audible?

Mr. PRESIDENT: I do not take you seriously, Mr. Bannerjee

Maulvi ABDUL KARIM: So he believed the man before him with long beard and saying prayers in a mosque must be some other person. In spite of all this campaign my rival secured less than 300 votes while I got more than 3,000. Does this not clearly indicate the view —the mentality of the constituency? The mandate of my constituency is that I should co-operate with the Government and try to safeguard the interests of the community and to get their grievances redressed. This is the pledge I have given and I should like to know if my friend would desire me to go back upon my word.

I hope, my friend, Mr. Bannerjee, will do me the justice to believe that it is not personal jealousy or personal ambition that actuated me to give notice of the "no confidence" motion. A man of my age (I

am now 65) cannot have much ambition left. I gave the notice because I thought a man with wider knowledge and experience than those of a "new born babe" is wanted to hold charge of the education portfolio, so that he may be able to successfully pilot the University, primary education and other important Bills that are likely to come up before the Council. I hope I am within hearing of Mr. Travers. He would put up puppets and threaten with dire consequences those who would not support them.

A word to my young friend, Khan Bahadur Azizul Haque, who yesterday waxed so eloquent over the support of the Ministry. I have known him from his childhood. I met him for the first time in a middle school at Santipur. He acquitted himself so creditably in my examination and impressed me so well that I told the teacher that the boy would make his mark in the world. I am glad what I predicted has turned true. He is already a Khan Bahadur. Let me now tell him that consistency is the best policy in public life. Ultimately it wins. Diplomacy, duplicity, expediency—these may succeed for a time, but ultimately these fail. If he persists in being as inconsistent as he is at present, I am afraid he has reached the limit of his rise. I well remember—though I am now 65, my memory is not impaired yet—what he said when he made an attack on the Ghuznavi-Chakravarty Ministry. He made a vehement attack on Sir Provash Chunder Mitter for the part he had played at the time of the formation of the Ghuznavi-Chakravarti Ministry. All this is in black and white. The other day in the Council Library he remarked before the Muslim members of the Council assembled there (it pained me to hear it) that while Hindu Ministers were appointed for their competency, Mussalmans were selected for their incompetency. He must have said this for gaining the applause of those assembled there. Might I inquire what changes have taken place within a year and within these few days to justify his waxing eloquent over the support of the Ministry? Are not all those circumstances that actuated him to attack the last Ministry still in existence? I am afraid there have been additions. Inconsistency thy name is.

Maulvi TAMIZUDDIN KHAN: Like my hon'ble friend Maulvi Abdul Karim I would have liked to record a silent vote but for my esteemed friend Mr. Bannerjee's remark that this motion is a test of sincerity of those who are out to break the present Ministry. Professor Bannerjee's diatribes are couched in such beautiful language and are poured forth in such gushing streams that many are carried away by his style. But I fail to understand how this present question that the Ministers' salaries be refused has anything to do with the *personnel* of the Ministry. The only question is this, whether diarchy should be worked or not. This is a simple question, and so far as it is concerned, I think the opinion of this House is sharply divided into

two distinct and clear cut groups. One group is of opinion that diarchy is no good, it is unworkable, and so it must be destroyed by constant and insistent obstruction. There is another group which though not enamoured of diarchy, at the same time considers it wise to work it for what it is worth and to show by working it, that it has got serious defects and that it requires change without which no good can be done to the country. That is the only question involved in this motion, and I am extremely sorry to say that my friend Mr. Bannerjee, Mr. Bose and Maulvi Abdul Karim made personal reflections against the Ministers, taking advantage of this motion. I was particularly pained by Mr. Bannerjee's characterisation of the Nawab as a new born babe in the field of politics. That statement is not only undignified but, it is not based on facts, because the Nawab is one of the oldest members of this House. It is really painful that he has been characterised as a new born babe in the field of politics, and I repeat that there can be nothing further from the truth, whatever opinion one may entertain as to his abilities. With these words I oppose this motion.

Babu SURENDRA NATH BISWAS: Sir, I rise to support this motion and in doing so I intend to tell a story to the House. Once a traveller was passing through an ancient kingdom. In the course of his journey he happened to pass by a house where he found much jubilation and merriment. He enquired of the cause thereof and was told that somebody in that house was going to be appointed a Minister to the King on that day. After walking a few yards on he came to pass by another house where the inmates were weeping. He enquired of the cause of their grief and learnt that a prominent member of the house would have had his ears cut off that day. He asked why that was so. In reply he was told that according to the law of the kingdom a Minister was appointed every three years on the condition that on the expiry of the term his ears would be cut off and that the prominent member of the house having been appointed as Minister three years back and that day being the date of expiry of his term his ears were to be cut off according to law. (Laughter). Sir, I tell this story as a warning to both the present Ministers and those other members who are hankering after Ministership in their place. The fearful end is likely to come to all of them—not after three years as in the ancient days. The term in their case may be three months or even less. They should therefore all join with us to throw out Ministry so that none of them may have to experience the shock of such terrible end.

Khan Bahadur Maulvi SYED MAQBUL HUSAIN: I beg to oppose this motion not because I think that the diarchical system of Government is a perfect system of Government, but because decidedly it is an advance on the previous system of Government. There is no doubt that the present system of Government is defective and its working in

the transferred subjects is very difficult. The Ministers cannot have full scope to discharge their duties to their country and constituency; yet it cannot be denied that the Reforms is a step forward in the progressive realisation of responsible Government. The Government as a whole is not responsible, but the Ministers who are also the members of the Government are responsible to the legislature. Though their appointment is with the Governor, their removal is with the legislature. If the Executive Councillors would have been similarly responsible to the legislature, we would have been approaching towards responsible Government. Now we are less than half way. In the first reformed Council it was given a trial. Success or failure of the Reforms depends to some extent on the kind of men who are appointed as Ministers. The late Sir Surendranath Bannerjee showed some appreciable work in the Department of Local Self-Government and gave the present shape to the present Calcutta Corporation. I differ from the view expressed by Khan Bahadur Azizul Haque that it was on account of personal jealousies and animosities that Ministers were thrown out. He himself took part in one instance and I think he was not actuated by any personal jealousies and animosities. It was some higher motives and higher considerations that moved us to take that step. Diarchy had not its proper trial in Bengal. It was the earnest desire of my constituency that the Reforms should be worked for what it is worth through the ablest men as Ministers. I was returned to this Council with a mandate from my constituency to work out the Reforms through the ablest Ministers, and we are seeking for that opportunity. Well, my rival was a Swarajist, Maulvi Nurul Huq Choudhury, and he was thrown out simply because he wrecked the former Ministry. When I was elected with the mandate referred to above, it is not possible for me to go back upon it.

3 P.M.

Mr. F. E. JAMES: I should like to congratulate Maulvi Tamizuddin Khan on his extremely clear and convincing speech. This motion is a motion for the total refusal of the Ministers' salaries and as such therefore it is a motion to defeat diarchy. I trust that members on every side of this House will remember when they vote on this question that they are voting not upon any personal issue so far as individual Ministers are concerned but upon the general principle of diarchy. Inspite of the speech of Mr. B. K. Bose in which he endeavoured to bring in the question of personal history of the two Ministers now occupying the position in the Government, I do believe that members of this House will remember that when they vote that they are voting upon the principle and not upon the personalities who occupy the seat of Government. We shall have an adequate opportunity of discussing the merits and demerits of the occupants of these two offices next Wednesday. Therefore, Sir, I trust that this House will record by an overwhelming

majority its vote in favour of the continuance of diarchy as an experiment in this Province. There has always been, with few exceptions, a decided majority in favour of working the present constitution. I am quite aware that diarchy has not worked as successfully in this province as perhaps in other provinces. For that there are two main reasons: The first is the Settlement of Lord Meston and the second reason is the Unsettlement of Sir Abd-ur-Rahim. Those two reasons together have very largely worked the undoing of the experiment of diarchy in this Province during the past few years. Let us take the Meston Settlement first. Inspite of the Meston Settlement and the financial adjustment in which this Province is placed I challenge anybody in this House to deny that the first three years of diarchy were years of comparatively constructive efforts for the welfare of the people of this Province. The Swarajists on the other side of the House cannot, I confidently claim, point to any achievement in the whole of their history which is equal to the achievements of those first three years. (A VOICE: Will you mention?) I will refer particularly to the measure which was largely responsible for making the Swaraj party as strong as it is to-day. Had it not been for the Calcutta Municipal Act I am quite sure that the Swaraj party would not have been in this position to-day. They continue to draw strength from that Act. There are many other achievements. I will refer to one other particular achievement in which I am particularly interested, the Bengal Children Act. Can the members opposite claim that anything has been done by them in this House which can compare to that Act which has provided a charter for the children of this Province. (*Cries*—What about the Ordinance Act! What about other achievements!)

Mr. PRESIDENT: Mr. James I think it would be a dangerous precedent on your part to attempt to answer all these loose questions.

Mr. F. E. JAMES: I am very glad, Sir, that you have recognised that the questions are "loosely" put. Take the other reason which has been the undoing of diarchy for the last few years. I refer to the machinations of interested and disinterested politicians in different parts of this House. I shall like here to pay a tribute to the consistency of the party on the other side. In fact there is only one point of similarity between our group and the group on the other side of the House—there is one thing common between us and that is our consistency. Sir, I fail to find similar consistency in any other party in the House. But, Sir, there have been other small groups without a leader—large groups wanting a leader—leaders without a group—leaders with a group who have constantly wavered—who have done what we ask them not to do this afternoon—who have confused principles with personalities. Those gentlemen with their erratic behaviour in this House have not only helped to impede the progress of political advance in this Province

but have also done a very great deal to poison public life. During the last four years that I have been a member of this Council I have seen how the very foundations of public life have been utterly poisoned not by those who have been consistent in their work but by those who have wavered from side to side—by those office seekers and place seekers. Therefore, Sir, although we on this side of the House are perfectly well aware of the many defects in the diarchical system of Government—divided loyalties, conflicts inevitable under this system between an irresponsible Executive and the Legislature and the time-limit of 10 years which has been fixed for this constitution—although we are well aware of these defects we believe that at least some progress has been obtained by loyally working the constitution as it exists at present. We are not satisfied with it any more than any other section of the House. Where we do join issue is that we believe that it is for the good of the country that what we have should be loyally worked and that the existing constitution should be given as good a chance as possible and that by gaining experience we should accumulate guidance and valuable arguments for the further reforms that are to come. I therefore appeal to this House once more to remember that this motion is a motion primary and entirely concerned with the question of diarchy and I trust that this House will once again prove inspite of the unfortunate history of the past that it does stand firm by the principles of the Constitution.

Mr. S. C. BOSE: Sir, may I add one more achievement to the list of achievements narrated by the last speaker of the Ministers who worked diarchy during the first three years under the new constitution? It is an achievement which, I am sure the House will agree, adds a feather to the cap of the Ministers who worked the diarchical system for the first three years. May I narrate the achievement in the words of the Hon'ble Minister for Local Self-Government when appearing before the Muddiman Committee? He was asked by one of the Members of the Committee—the Maharajadhiraja Bahadur of Burdwan as follows. "Can you tell me why even when your party was strong in the last Legislative Council your programme for University Reform was a failure"? And the answer of the then Minister for Education who is the present Minister for Local Self-Government was this: "The reason was the well meaning interference of the Governor of Bengal. (Laughter.) He meant to help me as the Chancellor. I told him that I had behind me the support of the Legislative Council but he put it to me that he was the Chancellor. He was not obstructing me as the Governor. But his well meainng attempt to help me placed me in the greatest possible difficulty". (Laughter.) I am sure the House will agree that this is the best achievement we have to the credit of the Hon'ble Minister.

Maulvi SYED ABDUR RAUF was understood to have spoken in support of the motion. He was inaudible at the Reporters' Table.

3-15 P.M.

Rai HARENDRANATH CHAUDHURI: Sir, when a member on the other side of the House, who had not the privilege to sit in this House during the years 1921 to 1923, has had the courage to challenge the other members of the House to deny the achievements of the first Ministers, I really wonder what to admire more—his ignorance or his audacity. Mr. James stood up and said that the first Ministry worked very well, and he challenged us to deny whether there were not great many achievements to the credit of the first Ministers. Sir, I had the privilege to be a member of this House for the years 1921-23 and from my personal experience, I can bear testimony to the achievements or otherwise of those who adorned the ministerial *guddee* during the first three years. The Calcutta Municipal Bill of 1923 is often quoted as the greatest achievement of the first Ministers, but it is forgotten, Sir, who drafted that Bill, and what shape was given to it by the Calcutta Corporation. It is not probably known even that it was drafted long before Sir Surendranath Bannerjea came to occupy the ministerial chair. Now, even if that be considered an achievement to the credit of Sir Surendranath Bannerjea, how can it be said that simply for one act of that Minister we must forget all the other great disservices that were done by the then Ministers to the country. How can it also be quoted as an achievement standing to the credit of the Ministers alone simply because the Swarajists now happen to occupy a controlling position in the Calcutta Corporation?

If that position be due simply to the author of the last Act then credit must also be given to the members of the Executive Council when the Swarajists capture the local self-governing institutions in the mufassal. Would you mind to give credit even to the members of the Executive Council in such cases and if you do not, then how can you quote the present Calcutta Corporation as an achievement of Sir Surendranath Bannerjea? The country took up the challenge when Sir Surendranath Bannerjea went to the poll again in 1923 and everybody knows how he suffered tremendous defeat even in the hands of one of his juniors. The Calcutta Municipal Act of 1923 did not save him.

Now, Sir, there are great many achievements to the credit of the then Ministers indeed. First of all I may mention the three taxes that were imposed on the people of this Province during that time. But for the support of the then Ministers these three taxes could not be imposed. Under the Financial rules they could be imposed only because the Ministers agreed to the imposition of these three taxes, only because the Ministers suffered to be deluded by the false hope that most of the money derived from the taxes would be devoted to the nation-building

departments. It is only because they were a party to deluding the Council that those three taxation Acts could be passed. Another great disservice to the credit of the then Ministers is the volunteer notification of 1921. Did the Government then act as one body, were the Ministers consulted or not consulted—that is a question that the then Ministers never ventured to answer. But it was an open secret that that notification for which imprisonment or incarceration of thousands of people of this country was possible was supported or at least did receive the tacit consent of the then Ministers. That was another great achievement indeed to their credit. Then to the credit of Sir P. C. Mitter may be quoted the bungling of the Calcutta University affairs. It was he who was responsible for starting the game which led more and more to the officialisation of the Calcutta University. But forgetting all these achievements Mr. James came forward to quote the Bengal Children Act. That was not an Act of which any Minister was author. That Act was put forward by the Reserved side of the Government and not by the Transferred side at all, and that cannot be quoted to the credit of the then Ministers. Without knowing that or rather being ignorant of all these things Mr. James comes forward to say that the Children Act stands to the credit of the then Ministers. It is not the case. .....

Sir, two other points have been made by those who have spoken in support of the Ministers' salary on the other side. My friend Khan Bahadur Azizul Haque has said that they are not so much in favour of diarchy but they were simply supporting the Ministry because they think that they must make the best of a bad job. Now, is it possible at all to make the best of a bad job specially when the job appears to be a hopelessly unworkable one? Let me remind the House of what Mr. Garrat has lately written in the *Manchester Guardian*. What after all is the effect of diarchy? It has "made over certain branches of administration to the Indians"—I am using Mr. Garrat's language—"without giving them any control over the purse or any proper authority over the subordinates." "Clearly" Mr. Garrat further says "the Reforms are an impossible half-way house." Then how is it possible to make anything out of it, I for myself cannot understand.

Then another point has been sought to be made by my friends opposite, and that is that diarchy has failed because it has not got the support of the majority of the members of this Council. It cannot be said so of the first Council. The Ministers in the first Council were supported by an overwhelming majority of the non-official members of this council, and yet they could not do anything substantial and Sir P. C. Mitter of all persons had admitted that diarchy was "unworkable."

Mr. K. C. RAY CHAUDHURI: Sir, in supporting the motion before the House I wish to say a few words. I spent a few weeks in Bihar last year and I had the pleasure of visiting some of the institutions working in the Transferred departments. I was surprised at the

great progress that has been made by the Bihar University, the progress of the Medical College there and the rapid growth of the Public Health Department which are all under the control of Ministers. I had visited some of those nation-building institutions there and saw the ministerial departments functioning splendidly and everybody in Bihar knows of vast improvements made under the ministerial administration. Here in Bengal the muddle is made between the principle of diarchy and the *personnel* of the Ministry. Diarchy is faring well everywhere, but unfortunately it is not so in Bengal. My friend, Rai Harendranath Chauduri says that there were three taxes imposed during the first Ministry. But I know one of the taxes—the Amusement and the Betting tax—did not hurt the people of Bengal which brought in a large amount of revenue and which in its turn brought relief to many departments. My point is that the principle of diarchy is all right so far as the United Provinces, Central Provinces Bihar and Orissa and even Bengal are concerned but the personal jealousy, intrigues and mutual incriminations have set back the progress of responsible and representative Government in Bengal.

Mr. A. C. BANERJEE: I did not want to take any part in the discussion this afternoon but I have been provoked to do so by the last speaker. He has told us that diarchy had worked well here as well as elsewhere. He has told us what the Ministers had been able to do both in Bengal and other provinces but he has forgotten to tell us that what little they have done they have been able to do by seeking favour from their colleagues, and that they have not been able to do anything as a matter of right. If the diarchy were killed and we had responsible Ministers—responsible to the country and in charge of all the departments the difference between the present Ministers and those Ministers would be great—as great as the difference between those who come here through the favour of Government, and who come in through election. We do not want any favour. What we want we must have as a matter of right. Ministers have got to ask for small favours and if they get them they succeed; if not they fail.

As regards the point to which Mr. James has referred, namely, the Calcutta Corporation Act, he talked without knowing really all the circumstances of the case. I was on the Calcutta Corporation at the time and I know what the Corporation did with regard to the framing of the Bill. I mean that every clause that is there was settled by the different committees that sat from day to day for months together. The only thing for which the Minister who was then in charge could take credit was the communal representation. Beyond that every clause of a popular character democratising the institution which we find in the Act to-day was due to the hard labour which members of the Corporation put in for months together. Therefore, much credit cannot be given to the then Minister in charge. His chief and perhaps the only credit lay in being able to carry it in the Council.

3-30 P.M.

As regards some of the observations which fell from my esteemed old friend, Mr. Abdul Karim, I should like to say just a few words. He referred to the speech which evidently Mr. Bannerjee had made last evening and made him rather uncomfortable, and in trying to meet the points raised in that speech I am afraid he has made his position worse. So far as we here on this side of the House are concerned, we are against the principle of diarchy. We want no diarchy and want to kill it if we can, but my friend is not against diarchy but is for killing individuals, and that shows what mischief diarchy has worked into our public life; it has worked perniciously. It has made people try and satisfy their personal pique and ambitions. Diarchy may be compared to a house which we want to dynamite. We want to destroy the house, whereas there are some members of the House who are not against the house itself but are against its inmates. They are for destroying the inmates so that they may get in and themselves occupy their place. That is where diarchy worked mischief in our public life and that is where the difference comes in between us and them, I would welcome my friends to come and join with us in our vote against diarchy so that there may not be any supply at all, and there may not be any hankering after these offices.

Maulvi ABUL KASEM: I have got absolutely sick of this debate but I am provoked by the speaker who has just sat down to speak a few words. It is the first time that we have been told that no credit is due to the late Sir Surendranath Bannerjea for the Calcutta Municipal Act beyond the fact that he brought communal representation into the Act. I have known of no man in Bengal ungrateful enough to say that Sir Surendranath Bannerjea did not popularise and democratise the whole Corporation of Calcutta by that Bill and I cannot allow that statement to go unchallenged against my late revered leader. He has been charged with introducing communal representation in the Calcutta Corporation. Those who have known Sir Surendranath Bannerjea and have worked with him know full well that his life long work was to bring about a state of things where communal representation would not only be not wanted but would not be necessary. Mr. Bannerjea, I mean Mr. Aswini Coomar Banerjea, and I have both worked with the late Sir Surendranath Bannerjea and we knew his mentality. I am here neither to defend nor to oppose communal representation. But I must say that communal representation was introduced in the Calcutta Corporation at the request of the Mussulman members of this legislature and of the Moslem citizens of Calcutta. Right or wrong, the opinion and interests and the demand of an important section of people like the Moslem citizens of Calcutta had to be recognised and given effect to by any responsible member conscious of his duty. But we have here Mr. A. C. Banerjea, his

erstwhile colleague in the Calcutta Corporation, taking credit that the Calcutta Corporation drafted every section of that Bill which is now known as the Calcutta Municipal Act. But fortunately the facts are otherwise. It was a Bill which was introduced by Lord Sinha in the Legislative Council and the Bill which was prepared by the Calcutta Corporation was quite different in character and principle.

Mr. A. C. BANERJEE: My friend is not quite correct for I maintain that it was the latter Bill that was introduced.

Maulvi ABUL KASEM: We have been told that diarchy has failed in Bengal; certainly it has failed. I think it is not practicable to work diarchy when we have a body of men determined to wreck it. The Ministers are left at the mercy of the handful of men who oppose them from motives of jealousy and animosities and personal feelings. But at the same time I must warn my friends on the other side that if diarchy has failed, the causes which have led to its failure relate not so much to the system itself as to the circumstances prevailing in this Council. Even if provincial autonomy is granted the situation will be more and more grave, dangerous and deplorable, (Question!) for I think that since diarchy has failed responsible Government will hardly be successful.

Babu MANMATHA NATH ROY: I had no mind to speak on this subject but after having listened to Mr. James, Mr. Ray Chaudhuri and Maulvi Abul Kasem I cannot help taking a part in this discussion. All these gentlemen have dilated on the glories of diarchy and have (MAULVI ABUL KASEM: No, I have not.) referred to the late Sir Surendranath Bannerjea, the Minister who gave us the Calcutta Municipal Act. They have also referred to the administration of the Calcutta Medical College and the Calcutta hospitals. They have, however, all avoided the real issue. The present constitution is called diarchy. It is a misnomer. There are no two divisions in the Government. There is only one division. The division of the Government into Ministers and members of the Executive Council is a mockery. We would have got the same Calcutta Municipal Act from Sir Surendranath Bannerjea if, instead of being a Minister, the late Sir Surendranath Bannerjea had been a Member of the Executive Council. The real mischief is that the Ministers, the so-called popular Ministers, are not responsible to the legislature. Some straight questions have been put to the Ministers and we hope that straight answers will be given to them. Do the present Ministers hold office during the pleasure of the Governor, or are they responsible to this Council? Do they know the feeling in the country, and will these popular Ministers tell us whether they will abide by the verdict of

the people in the matter of the Simon Commission? There may be some who do not agree with the majority but will not the Ministers abide by the undoubted verdict of the majority?

The Hon'ble Sir PROVASH CHUNDER MITTER: Before I speak I desire to say one thing at the outset, namely, that I would endeavour as much as possible to confine myself to the only relevant issue as to whether this grant should be allowed or not. For the purposes of that relevant issue, to my mind it is immaterial whether I worked properly or with any amount of ability during the years 1921-23. For the purposes of that relevant issue it is immaterial whether a particular Minister is a worthy man or not. For the purposes of that relevant issue the only thing that is material is whether or not, however unsatisfactory diarchy may be, you can extract some good out of it for the benefit of the people. That and that alone is the only relevant point, but apart from these reasons there is an additional reason why I desire to refrain from entering into any personal questions. Firmly believing as I do in the principle of Indian liberalism I believe that the future of my country depends on two things—nationalism and parliamentarism. Any one who has faith in nationalism must always remember that personal jealousies and party jealousies clash with it, and he must have an abiding faith in the fact that every body should place the interest of his country above those of the party. (Hear, hear.) If my friends on the right with the best of motives have thought it fit to hurl personal abuses, if they thought it fit even to make incorrect allegations in the wider interest of nationalism, for the wider interest of the good of my motherland I would tolerate those remarks.

There is yet a further reason why I think it is not necessary to enter into these matters. On the 21st there will be an opportunity of entering into these questions, though some of these questions would not be relevant even then. As to what his past life might have been or as to what his past administration might have been—even these would not be relevant. If I am forced to deal with these questions on that day, but I can tell my friends at once that I would rather not, because that would raise memories which would not be pleasant to anybody, neither to me nor to them.

With these preliminary observations I desire to proceed to the fundamental point and that point is this: Can we get rid of diarchy, unsatisfactory though it be, merely because we want to get rid of it? Can we get rid of diarchy now or within six months or within the next two or three years? (A voice: Yes, certainly). If I am allowed to proceed in peace, if they would have the tolerance to listen to another opinion.....

Mr. S. C. BOSE: The Hon'ble Minister was putting questions. Therefore he must expect an answer.

Mr. PRESIDENT: I hope, Mr. Bose, you will agree with me when I say that the Hon'ble Minister being in possession of the House, should be allowed to proceed with his speech without interruption.

Mr. S. C. BOSE: In that case he should not put any question.

The Hon'ble Sir PROVASH CHUNDER MITTER: I say this that even if this salary be refused everybody knows that from to-morrow we shall not get responsible Government. What is the point in getting rid of diarchy and what is the point of the Swarajists? We all want responsible government. Now if this salary is not allowed—I think I am right although my friends to the right may question it—we shall not get responsible government to-morrow or within the next six months. They may be right in saying that persistent agitation rousing national aspirations may bring us nearer the goal but that is a point with which I do not desire to deal at present.

3-45 P.M.

I say this that it is not likely that we shall get responsible government this month, or next month, or next year. I have been nurtured in a school of politics according to which, however, unsatisfactory the constitution may be, you should try and get the best out of it. I have sat at the feet of Mr. Gokhale and others and what I learnt even in those days . . . . . (A VOICE: At the feet of Rowlatt.) Yes, I am called Rowlatt Mitter and since my friends are so anxious to remind me of that fact I may tell them that that does not touch me. I sat in that committee and I do not resent being criticised for I decided on materials that were available to me. If I were outside I would have perhaps criticised another in my place. I do not bear any bitterness because I am referred to as Rowlatt Mitter, but I hope they will not interrupt me in this way. Sir, I was going to say that 32 years ago when I first took to politics, there was no representative government worth the name, and that great Indian Gopal Krishna Gokhale used to say that even if there was no responsible government, if you go to a Lieutenant-Governor, or Chief Secretary, or Viceroy, or a Member of the Executive Council, and if you can get one good thing for the country, your conscience is satisfied that you have done some good to your country. That great man Bal Gangadhar Tilak, who belonged to another school of politics, used to say "do not ignore the realities," but to-day we ignore the realities. Sir, my time is limited, but I say that even from this existing constitution let us try to extract as much as possible. (A VOICE: What about diarchy?) It is the existing constitution and I claim that we can extract some good out of it. Sir,

according to my friends to my right, I am an unworthy man and I plead guilty to that, but unworthy as I am, by accepting office to help a Government which is described as Satanic, I have succeeded in getting the Government committed to a loan policy of one crore of rupees for water-supply. Well, Sir, if I am driven out of office to-morrow, even if I were to expire soon—my friend Mr. Jitendralal Bannerjee referred to my growing age—I shall have this statisfaction, at any rate, that I have brought drinking water to the homes of many. Sir, we must all remember that the difficulties of the Government of Bengal, the difficulties of the Ministry of Bengal, is not wholly due to the constitution, however, unsatisfactory that constitution may be. The first and foremost difficulty is the cruel financial settlement, and if the past history of the reformed constitution in Bengal were referred to then all fair-minded people including my friends on the right—many of them are patriotic and fair-minded gentlemen—will find that the first reformed Government in Bengal started with a deficit budget of two crores and 12 lakhs. The first Ministers started their office with this big deficit round their neck. Now, as regards the taxation measures, I may say that if they introduced taxation measures they also reduced the expenditure by about one crore and 30 lakhs. That means that the taxpayers' pockets have been spared to that extent. About the taxation measures, the representatives of the people inside the Council passed all these taxation measures and I for one take my full responsibility for them. I am satisfied that we acted properly, because I know that without these taxes administration would have gone to pieces. If to-day there is now a delay of 4 years in the disposal of a civil suit there would have been a delay of 8 years for want of funds. Similarly, in every department of Government, administration would have been impossible without this additional money.

Mr. JOGESH CHANDRA GUPTA: Are we discussing the individual Ministers and the no-confidence motion or the motion about the salary of Ministers? We may perhaps forget the doings of the Ministers till Wednesday.

Mr. PRESIDENT: It is not for you, Mr. Gupta, to suggest what the Hon'ble Minister should say or do.

The Hon'ble Sir PROVASH CHANDRA MITTER: Now, Sir, may I again appeal to my friends to the right to have some toleration and bear with me for a few minutes and let me proceed in my own way.

Sir, in spite of those financial difficulties . . . . . (At this stage there was some noise on the left side of the Chair.)

Mr. PRESIDENT: Order, Order. I think you should know how to treat an adversary.

The Hon'ble Sir PROVASH CHANDRA MITTER: During the last 7 or 8 years in spite of this cruel handicap, expenditure on education has increased by Rs. 12 lakhs, that on medical administration by about Rs. 6 lakhs and the total expenditure on the transferred side has increased by Rs. 33 lakhs.

Now, my friend, Mr. Jitendralal Bannerjee, has said something about me. He has said " Sir P. C. Mitter was a Kayestha of Kayesthas—he meant no offence to anybody, not even to the President—because both by right of caste and right of intellect were the most astute brains in Bengal. What would they say of him ? He very well knew, none better, of the implication and bearing of the Ministers' position. He had tasted the sweetness and bitterness of an official position. How was it that they found him once again allowing his neck to be placed under the cruel and foreign yoke ? How was it that they found him once again at the fag end of his life engaged in one of the most thankless and profitless task in the world, trying to work a system which had stuck in the mire and which refused to work." I admit, Sir, that the task of a Minister is a profitless and thankless task. I admit that it can be made very profitless and I do not know in what sense Mr. Bannerjee has said this. But the fact that I have taken upon myself this thankless task at this period of my life, in spite of my past experience, shows that I do expect that some good can be extracted out of this system.

The Hon'ble Mr. A. N. MOBERLY: This debate started on the right lines and I thought that everybody quite understood that the question before the House was whether there should be any Ministers at all, or no Ministers. We were proceeding on those lines until my friend, Mr. Bejoy Krishna Bose, rose and talked about the Minister for Local Self-Government and the Minister for Education, what this gentleman or that gentleman had done. I have now to explain for about the 50th time that this vote is not a vote whether the Hon'ble Sir Provash Chandra Mitter shall remain Minister of Local Self-Government or whether the Hon'ble Nawab Musharuff Hosain, Khan Bahadur, shall remain as Minister of Education, but whether during the course of the next year there should be any Ministers or no Ministers. These particular Ministers may go next week, or they may go next July, but if this motion is passed to-day, they will have to go at once. But if the salaries are voted, and the Ministers have to go, some other gentlemen will take their place. The present Ministers and their predecessors have been charged with ignorance: they have been charged with following the policy of the Secretariat and with having no policy of their own. Then my friend, Babu Surendra Nath Biswas, told us a fascinating story of a Minister whose ears were cut off. This Minister, at any rate, had a lease of three years of office without interruption. (A VOICE: He said three months.) Anyhow, he had a specified period during

which he could do some useful work. Since 1923, when I first became a member of the reformed Council, no Minister has had a tenure of more than a week while the Council was in session, without a motion of no-confidence being threatened against him. His measures are always in danger of being defeated. Consequently he never finds time to learn the ins and outs of his department. Most of the subjects dealt with in the transferred departments are technical, and the files are large. The subjects are not easy, and it is impossible for any one to grapple with them within a short space of time. For instance, when a Minister comes to tackle a problem like the eradication of water-hyacinth, he has got to produce the ways and means, he has got to make provision for funds, but he cannot do all this if he is not sure of remaining in office for more than ten days.

4 P.M.

You complain that the Ministers do not do their part but the Ministers are getting no chance of framing or pursuing any policy at all. As regards the policy being the policy of the Secretaries it must be remembered that work has got to go on. If the Minister has a policy, he can tell his Secretary—there is the policy—work it out, carry it on. It is the duty of the Secretary to try his best to carry it out, but surely, the Secretary would be failing in his duty if he were not to tell the Minister when such and such a policy could not be carried out. (A VOICE: and the Governor.) He could also tell the Governor that (VOICES: Over the head of the Ministers). Certainly not. *(Cries of* Oh! Oh!) I should like to ask my friends on the right to let me talk to-day. I had some difficulty in doing so yesterday. I did not interject remarks when they were speaking and I think it is only good manners that they should allow me to get to the end of my speech especially when the time is short. I was talking about the relationship of the Secretary with the Minister. The administration of the country has got to be carried on. If you do not give the Minister a chance to produce a policy and work it out, the Secretary has still got to run the administration in the best way he can and submit files to the Minister for his orders. If the Minister has not got time for details it is not the Secretary who is at fault. What I want to say is this: put your Minister in and give him a run for his money. Give him a chance to do his work; and if he does not do it, then turn him out.

There are one or two points about the working of the Government which I want to make clear. I expect they have been made clear before but my memory on the subject is defective and I want to make them clear once again. The first question is as regards the system of voting in this Council. The joint Select Committee of both Houses of Parliament in their report explained what their view of the system of Government was. They said "In the debates of the Legislative Council Members of the Executive should act together and Ministers should act

together, but Members of the Executive Council and Ministers should not oppose each other by speech or vote; Members of the Executive Council should not be required to support either by speech or vote proposals of Ministers of which they do not approve, nor should Ministers be required to support by speech or vote proposals of the Executive Council of which they do not approve; they should be free to speak and vote for each other's proposals when they are in agreement with them." That principle, Sir, has been consistently followed since the time the Reforms were introduced. You will remember that no longer ago than yesterday a Minister who was not in entire agreement with the Executive Council on a question of policy abstained from voting. On the principle laid down by the Joint Select Committee he was not entitled to vote against the Government.

The next point is this: It was said that Ministers have no control over finance and that they are at the mercy of the Finance Member for financing new schemes. As far as the question of funds is concerned, they may be said to be at the mercy of the Finance Member because the Finance Member works out the budget on the basis of Receipts and Expenditure to which Government are already committed and he then says—our balance is so much (or our balance is *minus* so much as he did this year). He then advises as to how much money can be allotted for new schemes and then the whole question of allocation is considered by Government as a whole. In some cases the Government as a whole insist on allocating more money than the Finance Member would like to do. As regards his turning down any scheme of a Transferred Department as against any scheme of a Reserved Department he has no power whatever. The whole question is thrashed out at a Joint Meeting of the Memebers and Ministers.

Another point is this: When a scheme relating to the reserved side or the transferred side is put forward, the department putting it forward and the Member or the Minister as the case may be has to form an estimate of the expenditure. That estimate comes to the Finance Department and the Finance Department examines the scheme from every point of view. One of these points of view is the effect which it will have on other departments. For example, suppose you want to raise the pay of officers in one particular department and the Finance Department say that the immediate result would be that you have to raise the pay of another department. The Finance Department will point this out and say that you must not go on with the scheme by itself. This is a perfectly reasonable business proposition. The Finance Member has no power whatever to question the policy. He has got to examine the scheme from the practical point of view. It is important for the whole Government that schemes should thus be examined. I think it will be admitted that somebody has got to do it—whether you have one Finance Member for both the reserved and

the transferred sides, or whether you have one Finance Member for the reserved side and another for the transferred side—one of these Finance Members has got to do that preliminary bit of work for any scheme that may come forward.

The next point is this: it was stated that His Excellency the Governor apparently without any forethought selected gentlemen with no following in the House for appointment as Ministers. I would ask who are the gentlemen with a following in the House who are prepared to accept the burdens of office? I remember when I first joined this Council at the end of 1923 the late Mr. C. R. Das was returned to the Council with a large following and His Excellency's first act was to send for Mr. Das and asked him to take office. More recently, within the last year, when the Ministers were thrown out last August, His Excellency sent for the leader of the party which he believed to be the largest party in this House. I think it has throughout been His Excellency's desire—the desire both of His Excellency Lord Lytton and of His Excellency Sir Stanley Jackson—to find Ministers who would have the support of the majority of the elected Members of this Council and it is perfectly obvious that this is exactly what any Governor would desire above all things. If a Minister were appointed and if there were any other party with a majority in the House who were prepared to take office it would be perfectly easy for them to displace the Minister who had been appointed and to take and retain office themselves but at the present moment all that happens is that the majority of the members of this Council drive A out of office to-day and when B is given the office, he is turned out and C comes in and there is no indication that C will be given a chance to continue. I am not defending diarchy. I am only pointing out that the Ministers have a great deal of power now, and that a Minister is not a tool in the hands of his Secretary. I have already pointed out that that is not the case but it is perfectly clear also that his policy must be a workable policy. (Mr. J. M. Sen Gupta: Who would be the judge of the workability of the policy?) The Governor acting with his Minister.

Then it is said that the Ministers are not responsible to the Council. I ask how many Ministers have been thrown out by this Council. It is not a question of responsibility. Their responsibility is only too obvious. But their difficulty is that they find it impossible to please the Council whatever they do. If any patry with a majority in the Council were to lay down a line of policy and insist on that line of policy being followed, it would be perfectly easy for them to put in any Minister and insist on that line of policy being followed by him and if the Minister did not follow that line he could be thrown out. Mr. C. R. Das declined to work out his policy. That is one of my complaints. If my friends on the right will only lay down the line of policy they want followed then things would be made easier.

I have already taken up a good deal of the time of the Council but I want to make two remarks more. My first is this: My friend, Babu Akhil Chandra Datta has again urged in his speech a change of the constitution. He did this the day before yesterday also. I would again point out to him that there is one and, as far as I know, only one way of changing the constitution and that is to place his views before the Statutory Commission, not through Government but direct. The present motion will not change the constitution in the direction he desires, which is, I gather, to liberalise the constitution. The effect of this motion, if carried, would be to go back to the system of Government by Executive Council. On the other hand, if they want to liberalise the constitution, I would suggest to the members of this House that they should proceed to place their arguments for changing the constitution before the Simon Commission. But a mere denial of the right of Parliament to make enquiries as to the condition of India and the working of the constitution is not the way in which to get exactly what the mover wants. If he will only tell the Commission exactly what he wants—that, it seems to me, is the very best way to get it.

My other point is that with which I began I want to make it quite clear that if this motion is carried there can be no Ministry at all. If this motion is defeated, the present Ministers will carry on until Wednesday next and perhaps longer, and if they are thrown out next Wednesday His Excellency will be able to appoint other Ministers. But if this motion is carried there will be no Ministers for the ensuing year.

Babu AKHIL CHANDRA DATTA: On a point of personal explanation, Sir. I never suggested in my speech either yesterday or day before yesterday that the Government of Bengal should communicate the views of the members of this House to the Simon Commission. I never said so. I made my position and the position of my party absolutely clear and said that so far as we are concerned we shall have nothing to do with the Commission. We have boycotted the Commission and we shall boycot the Commission. What I suggested was this: The Bengal Government will have to make some recommendations and when making those recommendations I suggested that they should speak the honest truth which His Excellency Lord Lytton spoke last year in this Council about the system of diarchy.

4-30 P.M.

The Hon'ble Mr. A. N. MOBERLY: I am sorry I misunderstood my friend.

The motion that the demand of Rs. 1,46,000 under the head "22 E—Ministers" be refused was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Promotha Nath.
Banerjee, Mr. A. C.
Bannerjee, Babu Jitendralal.
Basu, Babu Saei Sekhar.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Dayal.
Hoque, Kazi Emdadul.
Khan, Babu Debendra Lal.
Lala, Babu Sareda Kripa.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Rauf, Maulvi Syed Abdur.
Ray, Babu Radha Gobinda.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Sen Gupta, Mr. J. M.

NOES.

Abbott, Mr. E. G.
Acharjya Chaudhuri, Maharaja Shashi Kanta, of Muktagacha, Mymensingh.
Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Mr. Altaf.
Atiquilah, Mr. Syed Md.
Baksh, Maulvi Kader.
Barton, Mr. J. F.
Casselis, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Choudhury, Maulvi Golam Mawla.
Choudhury, Maulvi Khorshed Alam.
Cohen, Mr. D. J.
Dey, Mr. G. C.
Dowding, Mr. T. W.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Eddis, Mr. A. McD.
Farequi, Khan Bahadur K. G. M.
Ghose, Mr. M. C.
Ghosh Maulik, Babu Satyendra Chandra.
Goenka, Rai Bahadur Badridas.
Gofran, Maulvi Abdul.
Guha, Mr. P. N.
Haque, Khan Bahadur Maulvi Azizul.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan Chaudhuri, Mr. M. Aehraf Ali.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Lindsay, Mr. J. H.
Luke, Mr. H. R.
Macartney, Mr. J. G.
MacBean, Mr. J. A.
Macdonald, Mr. A.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Morgan, Mr. G.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Nelson, Mr. W. H.
Parrett, Mr. P.
Phelps, Mr. Trever J.
Prentice, Mr. W. D. R.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur.
Raikat, Mr. Prosanna Deb.

Ray, Babu Nagendra Narayan.
Ray, Maharaja Jogindra Nath, of Nator.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Saehse, Mr. F. A.
Sanyal, Babu Sachindra Narayan.
Sarbadhikari, Dr. Sir Deva Prosad.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Sen, Mr. Satish Chandra.
Shah, Mr. Gholam Hossain.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Skinner, Mr. S. A.
Suhrawardy, Mr. H. S
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 40 and the Noes 80 the motion was lost.

The following motions were called but not moved:—

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 1,600 under the head '22F.—Legislative Council—Allowances, honoraria—Hill allowances' be refused.

Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 2,05,000 under the head '22 F.—Legislative Council' be reduced by Rs. 100.

Babu AMARENDRA NATH CHOSE moved that the demand of Rs. 2,05,000 under the head "22F.—Legislative Council" be reduced by Rs. 100.

He spoke in Bengali, the English translation of which is as follows:—

"The aim and object of my resolution is to have the Bengali speeches and questions recorded in the proceedings and to give effect to this arrangement a Bengali shorthand writer should be appointed. According to the present rule the member who makes a Bengali speech is to give a Bengali copy of his speech or its English translation to the Secretary otherwise his speech is excluded from the proceedings. I say, Sir, why? Why Bengali language will be disregarded in this way? According to law every member who is not a fluent speaker with the permission of the President can move his resolution, etc., in Bengali. The speeches made in English are recorded in the proceedings even with cheers, claps, ironical remarks, etc., but if any most important thing is urged in Bengali it will be omitted. This is a Legislative Council for Bengal but Bengali language has no space here! In the house, where the question of life and death, happiness and misery, advantages and disadvantages, gain and loss of the whole Bengali-speaking nation will be discussed, the Bengali literature will be discarded. It is a disgrace! And disgrace to the whole nation! Bengali literature will not be recognised in the Council, vernacular speech will not be listened to by the authorities—it is simply an insult, a deliberate insult to Bengal! and ungratefulness on the part of those who are fed by Bengal! How many members of our constituency

know English and can speak in English. As a result of English Administration for about 1¾ of a century in this country what is the percentage of English-knowing people in Bengal! Again, Sir, you may consider that according to law every voter is eligible for membership—no matter he knows or does not know English language. Ignorance of English literature is no bar to my countrymen to be the member of this House, hence, to allow all the members to take part in deliberations of this Council the Government will either exclude the people who are not well-acquainted with English language from being member of this House or to accept the procedure suggested above. Again, I beg to state that thorough knowledge of a member in English will not be sufficient qualification unless and until he becomes a fluent speaker, most of the members have well acquaintance with English literature but how many of them can speak fluently? It is always noticed that many members read their speech from their manuscript not because that they are ignorant of English language but because to finish their speech in short time—but that practice is not free from danger. I am told by my learned friend Dr. Pramathanath Banerjea who, the other day, went to see the proceedings of the Legislative Council of Madras where he noticed that the members of that House were prohibited by its President from reading their speeches with the help of their manuscript. I humbly pray to you, Sir, to give similar ruling and you will find that many loud voices will join with me to press for the introduction of Bengali literature into this House, otherwise, many members will have to accept the procedure of preparing their speeches at the first part of the night and to get them by-heart at dawn and morning just like an examinee and to vomit them in the Council Chamber at 2-30 P.M.

I do not propose to exclude English literature from Council and I cannot have such audacity for the present. My submission is that—You are my guest and I am the owner of the house and as such it does not at all look well that you being an outsider will occupy the whole house and I being the owner will not be allowed to cross the threshold! So my suggestion is, you better occupy the whole house but allow me to have a little space under the staircase. To appoint a Bengali stenographer, I think, may entail one or two thousand rupees—it is nothing. Thousands and thousands of rupees are spent in this House for the luxury and comfort of the members but a small sum will be denied to accommodate the Bengali literature in the House. It is looked by the people of Bengal as a malicious hatred and deliberate insult of the authorities towards the vernacular language."

The motion was then put and lost.

The motion that a sum of Rs. 97,48,000, as amended in Council, be granted for expenditure under the head "22.—General Administration" was then put and agreed to.

The time-limit under the head "22.—General Administration" having reached the following motions were not put:—

Babu NALINIRANJAN SARKER: "That the demand of Rs. 2,72,000 under the head '22G.—Civil Secretariat, (Reserved)—Judicial, Political and Appointment Departments' be reduced by Rs. 100.

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 2,72,000 under the head '22G.—Civil Secretariat—Judicial, Political and Appointment Departments' be reduced by Re. 1.

Mr. S. C. BOSE: "That the demand of Rs. 2,94,000 under the head '22G.—Civil Secretariat—Finance, Commerce, and Marine Departments' be reduced by Rs. 100 (in order to criticise the control of the Government over the Port of Calcutta)."

Mr. SATISH CHANDRA SEN: "That the demand of Rs. 2,94,000 under the head '22G.—Civil Secretariat—Finance, Commerce and Marine Departments,' be reduced by Rs. 100 (in order to criticise the control of the local Government over the Port of Calcutta)."

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 14,000 under the head '22G.—Civil Secretariat—Allowances—Hill allowances' be reduced by Rs. 7,000."

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 6,000 under the head '22G.—Civil Secretariat—Contingencies—Hill Journey Charges' be reduced by Rs. 3,000."

Rai HARENDRANATH CHAUDHURI: "That the demand of Rs. 8,31,000 under the head '22G.—Civil Secretariat—(Reserved)' be refused."

Maulvi ABUL KASEM: "That the demand of Rs. 8,31,000 under the head '22G.—Civil Secretariat' be reduced by Rs. 2 (to draw attention to the fact that there is not a single Muhammadan gazetted officer in the Secretariat)."

Mr. S. C. BOSE: "That the demand of Rs. 59,000 under the head '22H.—Civil Secretariat—Education Department' be reduced by Rs. 100."

Mr. SATISH CHANDRA SEN: "That the demand of Rs. 59,000 under the head '22H.—Civil Secretariat—Education Department' be reduced by Rs. 100 (in order to raise a discussion as to the part played by the Education Department in connection with the *hartal* on the 3rd February, 1928)."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 60,000 under the head '22H.—Civil Secretariat—Agriculture and Industries Departments' be reduced by Rs. 100."

Maulvi SYED ABDUR RAUF: "That the demand of Rs. 60,000 under the head '22H.—Civil Secretariat—Agriculture and Industries Departments' be reduced by Re. 1."

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 5,000 under the head '22H.—Civil Secretariat—Allowances—Hill Allowances' be reduced by Rs. 2,500."

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 3,000 under the head '22H.—Civil Secretariat—Contingencies—Hill Journey Charges' be reduced by Rs. 1,500."

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 1,250 under the head '22I.—Board of Revenue—Hill Allowances' be refused."

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 1,000 under the head '22I.—Board of Revenue—Hill Journey Charges' be refused."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 83,000 under the head '22I.—Board of Revenue' be reduced by Rs. 100."

Babu AKHIL CHANDRA DATTA: "That the demand of Rs. 83,000 under the head '22I.—Board of Revenue' be reduced by Re. 1."

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 8,000 under the head '22K.—Commissioners—General Establishment—Travelling Allowance' be refused."

Maulvi SYED ABDUR RAUF and Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 1,600 under the head '22K.—Commissioners—Purchase and keep of elephants' be refused."

Babu MANMATHA NATH ROY: "That the demand of Rs. 2,91,000 under the head '22K.—General Administration—Commissioners' be refused."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 2,91,000 under the head '22K.—Commissioners' be reduced by Rs. 100."

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 3,90,000 under the head '22L.—General Establishment—Travelling Allowance' be reduced by Rs. 90,000."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 1,40,000 under the head '220.—Discretionary grant for Heads of Provinces, etc.' be reduced by Re. 1."

Babu NALINIRANJAN SARKER: "That the demand of Rs. 97,48,000 under the head '22.—General Administration—Reserved and Transferred' be reduced by Rs. 5,00,000"

Mr. A. K. FAZL-UL-HUQ: "That the demand of Rs. 97,48,000 under the head '22.—General Administration' be reduced by Re. 1."

Babu MANMATHA NATH ROY: "That the demand of Rs. 97,48,000 under the head '22.—General Administration' be reduced by Re. 1."

[At 4-20 P.M. the Council was adjourned and it reassembled at 4-30 P.M.]

24.—Administration of Justice.

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 85,34,000 be granted for expenditure under the head "24.—Administration of Justice."

The following motions were called but not moved:—

Maulvi SYED ABDUR RAUF: "That the demand of Rs. 1,61,100 under the head '24A.—High Court' be refused."

Babu MANMATHA NATH ROY: "That the demand of Rs. 1,61,100 under the head '24A.—Administration of Justice—High Court' be reduced by Re. 1."

Maulvi TAMIZUDDIN KHAN: I beg to move that the demand of of Rs. 1,61,000 under the head "24A.—High Court" be reduced by Re. 1."

In moving this motion I should like to draw the attention of the Government and this House to the old grievance of the Muhammadan community regarding the paucity of Muhammadans in the judicial service of this Province. I would not like to make a speech but I would only observe that this is a matter in which public opinion, specially Moslem public opinion, is very strong. It is almost a scandalous state of things that in the whole service of 350 judicial officers, there are scarcely more than a dozen Muhammadans. I should also like to refer to the recent appointment of four District and Sessions Judges from the practising lawyers of this Province. I am sorry to say that in filling up these appointments the claims of the Muhammadan community were very regrettably neglected. Of course the Bengal Government seems to have shown some sympathy with the Muhammadan community but hitherto that has been of no effect. Government throws the whole blame on the High Court because, according to them, these appointments are made by the High Court. There is no doubt about that, Sir, but what I feel is that the Government of Bengal has not made any attempt to make an amendment of the Civil Court Act, and I think it is high time that this Act should be amended.

The Hon'ble Mr. A. N. MOBERLY: Sir, my friend, Maulvi Tamizuddin Khan, has rightly said that the appointment of officers to the Judicial Branch of the Bengal Civil Service does not rest with the Government of Bengal. If he will look at the Civil List which is available at the Library, if it has not been supplied to him personally, I think he will find that about 33 per cent. of the recent appointments of officiating munsifs have, as a matter of fact, gone to the Muhammadans. I admit that the percentage of Muhammadans in the Bengal Judicial Service, as it is composed at present, is unsatisfactory, but that is not a matter which can be remedied in a day or a year and I think that if he looks at the Civil List he will find that the High Court are taking measures to improve matters.

As regards the amendment of the Civil Courts Act, I am not at liberty to disclose matters which are under correspondence between the Government of India and the Government of Bengal or matters which may be under correspondence, but I do not think that because the Government of Bengal are not in a position to advertise or speak or write about any official correspondence, the member has any right to jump to the conclusion that they have entirely overlooked this matter.

As regards the recent appointments of District and Sessions Judges we did our best to see that the appointments were made impartially and with a view to safeguarding all interests. We had all the applications submitted to a Selection Board which consisted of a High Court Judge, a District and Sessions Judge and the Legal Remembrancer who had for a long time been a District and Sessisons Judge and neither the second nor the third of these officers had been in Calcutta for very long. Appointments of this kind cannot, it must be recognised, be made on a purely communal basis, but I notice that out of the last three appointments one has gone to a Muhammadan and the fourth appointment was made several years ago. I think that what I have said will meet my friend's arguments, and perhaps he will not persist in cutting this Re. 1.

Maulvi TAMIZUDDIN KHAN: After what I have heard from the Hon'ble Member in charge, I beg leave of the Council to withdraw the motion.

The motion of Maulvi Tamizuddin Khan was then, by leave of the Council, withdrawn.

The following motions were called but not moved:—

Khan SAHIB ABDUS SATTAR: "That the demand of Rs. 20,000 under the head '24B.—Law Officers—Fees to pleaders (other than Government servants)' be reduced by Re. 1."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 3,05,000 under the head '24B.—Law Officers—Mufassal establishment' be reduced by Rs. 100."

Mr. F. E. JAMES: I beg to move that the demand of Rs. 2,18,000 under the head "24E—Presidency Magistrates Courts" be reduced by Rs. 100 (in order to call attention to the necessity for the re-organisation of the Juvenile Court).

Mr. President, Sir, my object in doing this is to call the attention of Government to the necessity for the re-organisation of the Juvenile Court in Calcutta. I think the Hon'ble Member in charge will admit that the constitution of the Juvenile Court is perhaps the most

important aspect in the treatment of juvenile offenders. The success of any juvenile court depends to a very large extent upon the outlook and training of the magistrates who preside over that court. I do not wish for one moment to cast any reflection upon the work which is being done by the Honorary Magistrates who sit from day to day at the Children's Courts, but I do venture to suggest that from experience of the past in Calcutta and from experience of similar courts in other cities in different parts of the world, it is highly necessary that there should be one permanent Magistrate presiding over that court, possibly assisted by the bench of one or two Honorary Magistrates, among which there should be at least one woman. I find, Sir, that the Jails Committee of 1919, after visiting the Children's Court in Calcutta then stated that " the efforts in that Court were not altogether successful due to the fact that it was not presided over by one Magistrate but by a number of Magistrates sitting on successive days. Therefore, the result was that when a case came up, if the Magistrate who first heard it was not sitting on that date, it either had to wait until he sat in the next week or it had to be heard by a dieffrent Magistrate." The Committee, therefore, suggested in 1919 that in a large town like Calcutta a single Magistrate, specially selected, should be appointed to try children's cases. It may be suggested by some that there is not sufficient work for a stipendiary Magistrate. I find that the figures for the last three or four years suggest that there is sufficient work for a stipendiary Magistrate. The number of cases in 1924 was 1,040, in 1925—2,292, in 1926—1,911 and in 1927—2,094. I have to admit that these cases do not represent the number of children actually brought before the Court as in some instances they appear several times. I know of one instance in which a girl came before the Court no less than 20 times, an event which should never happen in any juvenile court. It may be suggested that even allowing these numbers to be correct, there is not sufficient work for a stipendiary Magistrate! Sir, I think if the Bengal Children Act were to be brought entirely into force with special reference to section 27 of that Act, there would be more than sufficient work for a stipendiary Magistrate. Even supposing that the work then is not sufficient, would it not be possible to amalgamate the work of the Howrah Juvenile Court and the work of the Calcutta Juvenile Court and have one stipendiary Magistrate trying all cases within the jurisdiction of these Courts, or as an alternative to that, to have one stipendiary Magistrate so that he can sit in one court one day and in the other court on the other days of the week. There is a further reason why it is advisable that this should be re-organised as far as the offenders are concerned. Far more detailed inquiries are necessary in connection with the treatment of juvenile offenders than are at present being made by the Bench. Naturally owing to its constitution and owing to the fact that the gentlemen who preside over the Bench are busy men, they have not

the necessary training in juvenile work. As one who is a member of the Committee for the Reformatory and Industrial School I can bear testimony to the fact that many of the children coming into the school come with the history charts that are utterly incomplete for our purpose. Far more information is really required than is being given under the present system. You may say very well then extend the probation system. I submit, Sir, that it is impossible until we have one officer who is either trained in this work or who has experience of this work in some other country.

5 P.M.

He could not only do the work of the Bench in far greater detail than it is at present done; he could also supervise the activities of the special officers at present working there, make a more scientific classification of the information than at present exists and collect much more information with regard to the cases that come forward especially in regard to cases that are brought forward before the Reformatory and the Industrial School so that the history of each child, its environment, its family history, circumstances and previous life can be given in far greater detail. There is one other point which I want to make and it is that those who preside over a Juvenile Court of this description should themselves make frequent visits to the institutions that deal with the children that come before these courts. He should be very familiar with the working of the Reformatory and Industrial School and if one officer were appointed for this purpose I believe that the work would be more efficiently done and also more expeditiously done, and that it would be possible to extent the operation of the provisions of the Children Act, so that instead of half the Act being a dead letter—as it is at present—it would really be in full force in the Province. I am afraid the Hon'ble Member will bring forward financial objections—I almost anticipate that—but I venture to suggest that as Government have put their hands with real will to the question of the treatment of juvenile offenders it would be a thousand pities if they could not, by making this provision, "put a keystone to the arch." I believe that the members of this House must all be interested in the welfare of children. The most important section in the treatment of juvenile offenders is—I repeat again—the whole question of a Juvenile Court, which should need the most careful attention. If Government will accede to my request and take up the scheme for the appointment of a stipendiary Magistrate who has had training in this work, he will, I think, assisted by a Bench of Honorary Magistrates, do useful work in this direction.

Mr. H. S. SUHRAWARDY: Mr. James has made an admirable speech on this subject but then admirable speeches are always in Mr. James' line, the more so when he has to do with the cure of

human souls! I need not refer to his remarks every one of which I endorse. But I wish to call the attention of Government to an opinion conveyed to me by a high official, a police officer, to the effect that the Reformatory is really the breeding ground of our future goondas and criminals. The Reformatory, far from effecting any reformation in the character of the juveniles sent there, really teaches them how to walk in the crooked path so that when they come out, they know all the artifices and details of crimes which they would not have known it the Reformatory were properly conducted.

The Hon'ble Mr. A. N. MOBERLY: Since Mr. James tabled a resolution on this subject I have been into the question of the Juvenile Courts and I admit at once that the present arrangements are such that it is hardly possible in my opinion to expect good results. There are, as has been pointed out, five Honorary Presidency Magistrates who sit on different days in the week and one stipendiary Magistrate whose duty it is to try cases arising in the city. There is a stipendiary Magistrate who tries cases arising in the suburbs. Another Magistrate tries cases at Howrah. These Magistrates have no special training and although the children are not tried in an ordinary court I do not think it is likely that much further advantage in the way of special treatment on uniform lines can be attained under the present system. There are, however, as was foreseen, various difficulties in the way of an immediate change. One of these is that we are at present short of Magistrates. I have proposals for increasing the cadre of Magistrates, which have been approved by Government but which could not be provided for in the budget.

Another difficulty is the legal difficulty. There are Presidency Magistrates who may try cases arising within the city of Calcutta; there are Deputy Magistrates who can try cases arising in the suburbs and there are also Magistrates who can try cases arising in Howrah but none of these officers has any jurisdiction over other places. I take it that what Mr. James suggests is a central Juvenile Court probably somewhere in Calcutta for the trial of juvenile cases arising in the whole of the industrial and mill areas of Calcutta, Howrah, Serampore and Barrackpore. One obvious difficulty in the way of such a scheme is distance. You cannot bring all the offenders into one central place without first remodelling the House of Detention and enlarging it.

There is another difficulty in the operation of the Children's Act. That is, that it is on the border line between four different departments of Government. It is the concern of the Judicial Department as regards the actual trial of cases, of the Education Department as regards the industrial school, of the Jail Department as regards the Reformatory School and of the Police Department as regards the actual apprehension and custody of the offenders. Each Department has rather a tendency to say "this particular item concerns some other department." It is,

therefore, very difficult to get anything done when all the departments are very busy. I should like to arrange for a meeting of the various departments and to see what scheme can be devised. I do agree with the mover of the motion that some action is necessary to improve matters.

As regards the *personnel* of the court the proposal to associate a stipendiary Magistrate with Honorary Magistrates is new to India. I do not know whether anything of the sort exists in England but I should have thought that as far as India is concerned it was not necessary to introduce such machinery to assist in the trial of juvenile offenders. Another point is that, as the mover is aware, this question is intimately connected with the question of probation. That again is a very difficult matter.

As regards Mr. Suhrawardy's remarks about the Reformatory School I do not think he really means that there should be no reformatory school. What he really means is that the Reformatory School should be improved. I shall be prepared to ask all the departments concerned to meet and consider what can be done to work the Children's Act. I doubt if it will be possible to make immediate progress but I hope that as soon as possible a co-ordinated scheme will be worked out which can be put into operation as circumstances permit.

Mr. F. E. JAMES: In view of the assurance of the Hon'ble Member that steps will be taken to re-organise the Juvenile Court by the appointment of an officer who has had practical experience in this connection I beg leave of the House to withdraw my motion.

The motion of Mr. F. E. James was then, by leave of the Council, withdrawn.

Babu AKHIL CHANDRA DATTA: I beg to move that the demand of Rs. 1,23,000 under the head "24F.—Civil and Sessions Courts—Allowance to Jurors and Assessors" be reduced by Re. 1.

My object in moving this motion is not to cut down the grant but rather to draw the attention of Government to the inadequacy of the provision for jurors and assessors. The jurors and assessors living within the city area are not paid any travelling expenses. The jurors and assessors coming from the mufassal find a lot of difficulty in receiving payment of their legitimate expenses; sometimes they are made to wait for days. This small matter will, I am quite sure, receive the attention of Government.

5-15 P.M.

Mr. SARAT C. BASU: With respect to the jury system in the mufassal I can say from my own experience. There are, I know, a good number of people who want to become jurors and they make every

endeavour to get their names enlisted as jurors, because the attendance at a jury gets for them a certain allowance. There are also attempts made in the mufassal to bring in the communal question with reference to the enlistment of jurors. This very evening I have heard a communal question brought up with reference to the judicial service. We all know and we can speak unanimously upon one matter, *viz.*, that if the British Government in India has done anything good, it has done so by bringing justice to the people unalloyed by any consideration. So far as the administration of justice is concerned, the look out of the Government ought to be that justice is imparted undiluted and in an unalloyed manner. That has been the object of Government for a long time past for over a century, but latterly communal question has entered into the matter with disastrous consequences. Coming from Bengal as I do, within the last few years there has been a regular hue and cry about the mal-administration of justice in the districts. Complaints are coming not only from the Hindus, but also from the Muhammadans and other religionists, but all these complaints are brushed aside on the score of communal jealousy. This is a very handy excuse to be brought up by anyone and the Government has been so weak as to suppress those complaints whenever they are made out of fear that they might excite communal jealousy. Government did not see that complaints did come not from one religious sect, but from all.

With respect to the matter of jurors and assessors a similar idea has sprung up amongst the Government officials that jurors and assessors should be selected not from the people who are best qualified for the purpose, but upon communal basis. This is a thing which ought to be suppressed by all means. I know myself from personal experience that in my district a juror had been called who was suffering from a serious disease. The man was compelled to sit in the jury for several days with the result that the man succumbed and died while serving in the jury. A complaint was made about this matter, but nothing was done. The Government are always afraid, probably, that if they make any inquiry into the matter one community will object to it. But this is a public complaint and it is my grievance that Government or anybody else whether Hindu or Muhammadan should be permitted to bring in communal questions with regard to matters judicial. Justice has got to be done. Communal question has nothing to do with it. It has to be seen that the people get pure justice unadulterated in any way. I say it is the Government that permits communal questions coming in. It is a well known fact that in the mufassal enlistment of jurors is done on communal basis.

The question of the payment of allowance to jurors should also be inquired into. I know the jurors are put to great difficulty on account of this. Sometimes if the Judge thinks that there should be a verdict of guilty and the jurors think otherwise their allowances are cut down. Such things should not be permitted. There ought to be a fixed scale,

not a sliding one, but not dependent upon the discretion of the Judge that the jury should get so much and not more, or that a particular juror, who has given an undesirable verdict, should get less than the juror, who has given verdict in accordance with the opinion of the Judge.

Another matter is, in connection with the selection of jury, proper inquiries are not made. The Sessions Judge and the District Magistrate sit together on one day and finish up a list of about 500 persons. Probably we are not aware and probably the Government are not aware that the District Magistrates of the present day do not know the people of their districts like the District Magistrates of the past. Now, as I have stated on many occasions, the District Magistrates have become *khas kamra* officers; they do not know the people, they do not know all the parts of the district and they do not know the qualifications of the people whom they are called upon to administer The business of the District Magistrate is to sit tight in his *khas kamra* and receive salams from the people who want to get titles of Khan Bahadur, C. I. E., Raja and Nawab. These title-holders are coming into the country like mushrooms and every half year we have titles and titles. Mr. President, You are yourself a Raja, but do you know we can count Rajas in the street.

Mr. PRESIDENT: I warn you not to make such remarks, which are not only irrelevant but also unparliamentary. You should confine yourself to the motion which is now before the House.

Mr. SARAT C. BASU: What I was saying was that like these title-holders the people make *tadbirs* to get them enlisted as jurors, so that they may get allowance. That was my object in speaking to you.

Mr. PRESIDENT: Order, order.

Mr. SARAT C. BASU: The District Magistrate and the Sessions Judge select the jurors. They do not know them. The Sessions Judge, of course, is not expected to know the people and the District Magistrate is equally ignorant. It is for that reason that I propose that the list of jurors should be selected not by the Sessions Judge and the District Magistrate, but with the help of my profession, the members of the Bar. If that is done then proper jurors may be selected, and as for the allowance there should be a fixed allowance not dependent upon the verdict he gives. If anyone is found undesirable his name should be struck off the list. It is the qualification and not the religion that should guide the officers in making the selection.

Khan Bahadur Maulvi AZIZUL HAQUE: I had no intention in spite of my being a Khan Bahadur to interfere in this debate, but I am afraid the indictment which my friend (Mr. S. C. Basu) has made against his own countrymen, my countrymen, has prompted me to take my stand. Sir, I belong to a mufassal district and have some contact with the mufassal life so far as the administration of justice is concerned, but this has come as a revelation to me that at present allowances are cut, because jurors do not give verdict in accordance with the particular opinion of the Judge. I think, if there is any particular case, it should have been the duty of the hon'ble member to refer it to Government before bringing any such indictment, on the floor of this House, against persons who are not present here to defend their conduct. Sir, I think, there is another remark to which I should take strong exception. He said that the jurors are now selected on communal considerations. So many things are said about these communal considerations that if we were to pay heed to all of them they would make our lives miserable. I hope, my friend will pardon me when I say that communal considerations do not come in at all in the matter of selecting jurors. The jurors are not selected in the manner suggested by my friend. In spite of the fact that my learned friend occupies a high position in the profession he does not know how jurors are selected. When he says that the District Magistrate and the Sessions Judge sit together to select jurors he is wholly wrong; they simply hear objections from persons who object to become jurors. I can only say that it is extremely regrettable that in the present political situation of our country communal consideration is ascribed to everything that we do. If we do some service to our community we are called communal; if we talk about Kulkati we are called communal; if some persons want to be jurors they are considered to be doing so from communal considerations. People do not realise the real cause, but I say it is not because of the communal consideration, but because of the natural aspirations due to the spread of education amongst the Muhammadans that they are taking intelligent interest in matters of administration.

The Hon'ble Mr. A. N. MOBERLY: Sir, the mover of this motion seemed to complain that the jurors and assessors were not getting enough, whereas I gathered from Mr. Basu that they were getting too much, because apparently there was a good deal of competition to become jurors and assessors. I believe that the whole question is regulated by rules made by the High Court, and we have not got very much to do with it. I will, however, look into the question and see what can be done, but if it is a matter for the High Court, I cannot promise any relief.

As regards the question of communalism, I have never heard that it came into play in regard to the selection of jurors. To the best of my

knowledge, jurors are selected by Circle Officers and Subdivisional Officers. The list prepared by them is published, and if anybody objects to serve as a juror, that objection is heard by the District Magistrate and the Sessions Judge sitting together. The District Magistrate and the Sessions Judge do not themselves compile the list.

The motion of Babu Akhil Chandra Datta was then put and lost.

Mr. PRESIDENT: It has been reported to me that the date which has been fixed for the election of members to the Standing Committees and the Public Accounts Committee is the date on which the "no-confidence" motion will be taken up. I understand that a large number of members want this date to be changed, and if there is no objection, 22nd instant may be fixed instead. I take it there is no objection to my doing so.

Adjournment.

The Council was then adjourned till 10-30 A.M., on Saturday, the 17th March, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Saturday, the 17th March, 1928, at 10-30 A.M.

Present:

The Hon'ble the President (RAJA MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers and 104 nominated and elected members.

DEMANDS FOR GRANTS.

24.—Administration of Justice.

The following motion was called but not moved:—

Babu AKHIL CHANDRA DATTA: "That the demand of Rs. 4,14,400 under the head '24F.—Civil and Sessions Courts—Remuneration to copyists' be reduced by Re. 1."

Maulvi TAMIZUDDIN KHAN: I beg to move that the demand of Rs. 14,29,000 under the head "24F.—Civil and Sessions Courts Process-serving Establishment" be reduced by Re. 1.

Sir, in moving this motion I would like to draw the attention of the Government to the fact that the process-servers are a very useful class of public servants who are not treated with justice so far as their pay and prospects are concerned, and this injustice done to them has had a very serious effect upon the whole adminsitration. It is common knowledge now-a-days that these process-servers can be used by unscrupulous people for their own ends to the detriment of the interests of the poor raiyats and other tenure-holders of the country inasmuch as with the help of these process-servers unscrupulous decree-holders can suppress the process and get the holdings sold. Once these holdings are sold, if they can somehow suppress the information from the aggrieved parties for one month, there is practically no remedy for these poor people because when one month is passed after the sale, an application for setting aside the sale is barred by limitation. Now from my experience as a pleader I can safely assert, Sir, that it is extremely difficult for litigants to establish fraud as courts of justice are very very chary in finding fraud. Whenever applications are made for setting aside sale beyond the limit of 30 days, almost all of them

are rejected with the result that the holdings and tenures are irrevocably lost to their owners. My point here is this that because the process-servers are not adequately treated so far as their pay and prospects are concerned, these poor people are used by unscrupulous litigants for their own ends and thus a good deal of harm is done to the poor raiyats of this country. The whole service should be reorganised, and the pay and prospects of the process-servers should be such as may attract a better class of people so that this sort of things may be put a stop to.

Mr. PRESIDENT (the Hon'ble Raja Manmatha Nath Ray Chaudhuri of Santosh): I should like to take this motion and the motion standing in the name of Maulvi Shamsur-Rahman on the same subject together and to have one discussion on both of them.

Maulvi TAMIZUDDIN KHAN: With your permission, Sir, and in the absence of the mover, I formally beg to move the following motion that stands in the name of Maulvi Shamsur-Rahman:—

"That the demand of Rs. 71,52,000 under the head '24F.—Civil and Sessions Courts' be reduced by Rs. 100 (on the ground of insufficient pay given to the process-servers)."

I do not want to make a further speech.

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): The mover of this motion wants us to undertake a very large and indefinite commitment by raising the pay of the process-serving establishment. The question is a very large one, the establishment is very large, and it is complicated by the fact that the process-servers are employed not only in the civil and sessions courts but also in the revenue and magisterial courts.

The mover has said that an unscrupulous person can take advantage of the process-servers to attain his own ends by unfair means. Very large amounts are at issue in these civil suits, and to give the process-servers pay which would place them absolutely beyond the reach of all temptation would, Sir, I think, be impossible. We are always getting demands for increased pay from different classes of Government servants. We have to consider various points; we have to consider how far the pay they get is inadequate; we have to consider how far they find it possible to make both ends meet on the pay offered; and we have also to consider the state of the labour market, that is whether for the class of labour we require, the pay is sufficient to attract suitable candidates. In the case of process-servers, the number of applicants for posts enormously exceeds the number of vacancies. It is possible that we might manage with a smaller number of process-servers than we have, that is a point that we are considering but I do not think that we shall ever have any difficulty in filling these posts.

Having regard to the paucity of funds and the claims of some other branches of the administration—claims which cannot, I think, be ignored—I must at the present moment oppose the motions.

The following motions were then put and lost:—

"That the demand of Rs. 14,29,000 under the head '24F.—Civil and Sessions Courts Process Serving Establishment' be reduced by Re. 1."

"That the demand of Rs. 71,52,000 under the head '24F.—Civil and Sessions Courts' be reduced by Rs. 100."

Maulvi SHAMSUR-RAHMAN: I beg to move that the demand of Rs. 71,52,000 under the head "24F.—Civil and Sessions Courts" be reduced by Rs. 100.

In moving this motion for reduction my idea is to bring to the notice of the authorities the injustice that is being done to a large section of Government officers who are one of the most vital sections, or I may be permitted to say, the foundation on which the whole machinery of the Government is built. The good and successful administration of a department lies mainly in the faithful discharge of the duties of these much maligned set of people—the ministerial officers of Bengal.

The grievances of these officers have often been brought pointedly to the notice of the authorities of Government, but thick-skinned as they are, it has failed to produce even the slightest titilation in their sensibilities. At times when the agitation of these poor people grew in volumes, Government for the time being appointed committees as a lullaby to inquire into it. But when the reports were submitted the action taken did not improve matters much.

The first and foremost grievance of these ministerial officers is the inadequacy of their pay and prospects. To enquire into it a committee was formed by the Government in 1885, presided over by Mr. Beames. It was then considered by them that the sum of Rs. 30 a month was as much as a man of the Amlaclass could live on with comfort.

Since then nothing further was done till 1921 when another Committee was formed with Mr. MacAlpin as President.

The report of this Committee was not unanimous. The Government members held that a minimum of Rs. 40 was essential but the non-official member held that the minimum pay should be fixed at Rs. 50.

This gentleman certainly had in view that if Rs. 30 was considered necessary in 1885 when living was so cheap, that in 1921 when the prices of the necessaries of life had gone up so high, it was impossible for a man to make his two ends meet with less than Rs. 50. The official members—I have been given to understand—drew

their inferences from jail figures. I do not know what earthly reasons these gentlemen had in taking jail figures. Did they think that these ministerial officers were no better than jail inmates and their necessities of life limited like those of convicts. They forgot altogether that Indians without exception in whatever sphere of life they are placed have to live a family life. They also forgot that they belong to a respectable class of people from which gazetted officers are often drawn. It seems to me that Rs. 50 is almost a living wage to those set of people.

Their next grievance is the rate of increment they are allowed to draw. The rate of increment after confirmation is Rs. 2 a year, but after 14 years of efficient service their rate of increment is reduced and are allowed to draw only Rs. 3 every two years. I am told that in no other departments of the Government of Bengal this system of a reduction in increment prevails. In December, 1926, in reply to a deputation of the ministerial officers the Hon'ble the then Revenue Member had to admit the justice of their case and referred the matter to the Hon'ble the Finance Member but it seems to have had no effect.

The postal authorities have of late bettered the pay and prospects of the clerks working in the Postal Departments. The lower grade postal clerks are at present getting Rs. 40-5-140. This scale of pay should be introduced as the pay of all lower division ministerial officers and a consequent increase in the higher division.

By denying them their living wages you are creating an air of discontent among these people. There is a point beyond which a thing cannot be bent—however pliable it might be, it must snap.

The Hon'ble Mr. A. N. MOBERLY: This, Sir, is another demand for a very large increase of expenditure. I do not think that we can consider the civil court clerks as a class of clerks quite distinct from other clerks serving under the Government of Bengal. The mover has referred to the postal clerks who are not under the control of the Government of Bengal but under the Government of India, and if the Government of India choose to give their employees a scale of pay which we consider excessive it is no concern of ours. The question was, as the mover has observed, gone into last year, and when it came to be examined, it was found that the civil court clerks had got a much larger percentage of increase in their pay as a result of the McAlpin Committee Report, than the clerks on the executive side. I do not think, Sir, that I can hold out any hope at present of further improving their pay, and I, therefore, oppose the motion.

The motion of Maulvi Shamsur-Rahman was then put and lost.

Maulvi TAMIZUDDIN KHAN: I beg to move that the demand of Rs. 71,52,000 under the head "24F.—Civil and Sessions Courts" be reduced by Rs. 100.

In m[illegible] this motion I am afraid I have to bring forward one more point from the Muhammadan point of view. I confess, Sir, it is no pleasure to me to refer to the Moslem claims so very often and to be charged with communalism by such of my friends as are of the way of thinking as Mr. Bose. I am sorry he is not here to-day. Mr. Bose forgets that for about a century or so one-sided communalism was reigning in this land. Now that one community which has been dormant so long has awakened to the sense of that communalism, Mr. Bose and men like him are coming forward with cries for putting down the communalists. It is a happy sign, however, that all the other members belonging to his community are not of his way of thinking, and they, I think, will not grudge the Muhammadan community, being given its dues whenever that is practicable. The point which I want to raise by way of this motion is this: in the civil and sessions courts Muhammadans are not allowed adequate facilities for performing one of the most obligatory injunctions of their religion and in the civil courts there is no rule whereby Muhammadans can as of right get an opportunity to say their daily prayer as well as their prayer on Fridays. I may refer to one very regrettable incident which took place in a Court of Faridpur only the other day. I admit, however, Sir, that most of the courts are very amenable to reason and whenever any request is made they allow the Muhammadan pleaders, if not the litigants, to say their prayers, but recently there was a case in which one of my Muhammadan friends was engaged in a case when the time for Jumma prayer came up. He made a request to the Court to allow him to go to the prayer but unfortunately he was not allowed. It is a rare instance no doubt, but instances occur because there is no rule whereby Muhammadans can as of right claim to have some time set apart for their prayers. Another grievance is this: that the Muhammadan pleaders or litigants are put to a serious difficulty in saying their daily prayers and Jumma prayers for want of a proper place and for want of a mosque in the vicinity of the courts. In most of the districts there is no private land in the vicinity of the court houses, and it is not possible for the Muhammadans to erect a mosque or prayer house without Government granting some land to them for that purpose. I again refer to the case of Faridpur. We made a prayer for the grant of a small plot of land and the District Magistrate strongly recommended our prayer. But after the lapse of a long time we were told that Government had refused to grant the land as a matter of policy. I would submit, Sir, that this is a policy which is very very detrimental to the vital interests of one class of people. Latrines and urinals are provided for litigants within the court compound, but in respect of what the Muhammadans consider as one of the most obligatory things, that is, the saying of their daily prayers— they are strict observers of the tenets of their religion—they are not treated with justice. I draw the attention of the Hon'ble Member to this aspect of the questio and I hope Government will be pleased to revise their policy and see

that justice is done to the Muhammadans. With these words I move my motion.

Mr. PRESIDENT: I propose to have one discussion on this motion and those standing in the names of Maulvi Syed Abdur Rauf, Babu Akhil Chandra Datta, Mr. Syed Md. Atiquallah, Babu Jogindra Chandra Chakravarti and Babu Amarendra Nath Ghose.

The following motions were called but not moved:—

Maulvi SYED ABDUR RAUF: "That the demand of Rs. 71,52,000 under the head '24F.—Civil and Sessions Courts' be reduced by Re. 1."

Babu AKHIL CHANDRA DATTA: "That the demand of Rs. 71,52,000 under the head '24F.—Civil and Sessions Courts' be reduced by Re. 1."

Mr. SYED MD. ATIQULLAH: "That the demand of Rs. 71,52,000 under the head '24F.—Civil and Sessions Courts' be reduced by Re. 1."

Babu JOGINDRA CHANDRA CHAKRAVARTI: I beg to move that the demand of Rs. 71,52,000 under the head "24F.—Civil and Sessions Courts" be reduced by Re. 1.

My object, Sir, in moving this motion is to draw the attention of the Government to some prominent defects in the administration of this department which could be remedied but which, it seems, Government does not fully appreciate. I will now refer to some of the many defects in the administration which were pointed out by the Civil Justice Committee in the year 1924-25 and which in spite of the many suggestions they made do not seem yet to have been remedied. One of those defects pointed out by them was the proverbial law's delay. In this year's budget estimate we find that there has been provision for increasing the number of judicial officers under the head "District and Sessions Judges," but I am not sure that the increase that has been made will adequately meet the demand that is really made upon the staff of officers who are actually employed in the administration of justice. I may remind the Hon'ble Member in charge of this department that one of the remedies suggested by the Civil Justice Committee was that the staff should be increased to cope with the work they have got to do, and the delay in the administration of justice was mainly due to want of sufficient staff. Now, Sir, so far as the revenue from this department is concerned we find that the income from the sale of court-fees alone is estimated in next year's budget at Rs. 2,23,50,000: besides there is an additional income expected from other sources which comes

up to Rs. 16,21,000 but the total expenditure under the head "Administration of Justice" including the voted and non-voted items comes up to Rs. 1,09,47,000. In spite of this, there is a very good surplus left after the estimated expenditure under the head "Administration of Justice." There is another point to which I desire to draw the attention of this House and the Government, and that is the system that prevails in some places in Bengal about appointing one Judge for more than one district. I particularly refer to the cases of districts in North Bengal—the part of the country from which I come. The hon'ble members may be aware that in the district of Dinajpur to which I belong, we have got a District Sessions Judge who is a Judge of three districts—Dinajpur, Jalpaiguri and Darjeeling. There is one Judge for the two districts of Rajshahi and Malda, and there is again one Judge for the two districts of Bogra and Pabna. Well, Sir, so far the districts of Dinajpur, Jalpaiguri and Darjeeling are concerned, I think I am in a position to say what I have got to say from actual experience. The system that is prevailing there is absolutely unworkable and requires an immediate change. We have been trying to bring this matter to the attention of the Government in the Department of Administration of Justice and also to the attention of the Honourable the High Court for some time past but I regret to say that no steps have yet been taken to remedy the defects which have been pointed out by us.

11 A.M.

In the year 1927 there was an inspection of the courts at Dinajpur by the Hon'ble Mr. Justice B. B. Ghosh. He sent in an inspection note, and I am sure that note is also in the hands of Government. With your leave, Sir, I would draw the attention of the members of this House to some of the remarks made by Mr. Justice Ghosh in his note. It is very illuminating, and I think I will be able to convince the members of the justice of the case I am putting forward. Speaking of the District Judge, Mr. Justice Ghosh said:

"The Judge is a quick and, at the same time, a hardworking officer. He sits in Court sometimes till 8 P.M. and sometimes later still, disposing of sessions cases. On other days he dictates judgments or heads of charges to his stenographer at home in the evenings. The fact that he is Sessions Judge of 3 districts compels him to finish his sessions cases within the scheduled time of each case. The result is that he has to sit in Court till late hours. I doubt very much whether that is at all good. The Government Pleader told me that in some sessions cases he felt that he had not been able to impress the jury by his address within the time allowed. The Judge however told me that if he does not finish a case within the time allotted, other cases would have to be postponed as he has to leave that district on a fixed date, and the under-trial prisoners would have to remain in jail for a further term. With

regard to criminal appeals also the Judge fixes a period of hearing of each case. This may not be always disadvantageous to experienced pleaders, but the juniors feel that they had no opportunity of properly arguing their cases. The pleaders however do not complain against the Judge who is popular with the Bar and whom they see to be working hard. They however complain against the system of having one Judge for three districts which leads to this result.

The Judge told me that if he did not finish his cases by the method he adopts arrears would accumulate, and he would be blamed. He regrets that he has no opportunity of doing civil work and that he has no time to read a law book. This is regrettable on many grounds.

That is so far as the District Judge is concerned. I may add to what Mr. Justice Ghosh has mentioned here that it is not only in the matter of criminal appeals, but also in civil appeals, the Judge prepares a time table and he hears appeals according to that time table and those who have experience in these matters can well understand how impossible it is for the pleaders to place the case before the Judge within the time fixed by him.

Then as regards the Subordinate Judge, there is one Subordinate Judge for two districts, Dinajpur and Jalpaiguri. As regards the Subordinate Judge, Mr. Justice Ghosh remarked that "the Subordinate Judge has to go to Jalpaiguri four times a year and work there for about 13 or 14 weeks altogether. For that reason he could not hear many original suits. The present Subordinate Judge is here for a short time and I discussed with him as to how he should dispose of old suits; if an Additional Subordinate Judge is posted here and sent to Jalpaiguri for 12 weeks in one year, *i.e.*, three weeks each quarter, the work of the Subordinate Judge in both the places may be brought under control. But the members of the Bar strongly desire that a whole-time District Judge as also a whole-time Subordinate Judge should be posted at Dinajpur." On this point the members of the Bar sent a representation to Government as well as to the High Court in 1927. The reply from the High Court was that the matter rested with Government and the reply from Government was that the matter rested with the High Court. This is the position. I will give you some remarks with regard to the work of the Munsif. The Senior Munsif Babu Nagendra Kumar Mukerji, who seemed to be a good officer, is vested with powers to entertain suits valued up to Rs. 2,000. He has to do very heavy work and at times when both the District Judge and the Subordinate Judge are away from the station, he has to do all the office work for both the officers in addition to his own duties. On those occasions he has often to work till late in the evening, *i.e.*, 8 or 8-30 P.M. which seems to me to be wrong. If a Subordinate Judge is permanently posted for this district alone, it will not be necessary to invest any Munsif with special powers, as the ordinary work of two Munsifs at this place is sufficient to

keep both of them occupied. Nor does it now effect a saving of money by investing Munsifs with special powers, as the difference between the salaries of a senior Munsif and a Subordinate Judge is negligible.

These are the remarks which were made so long ago as the 2nd February, 1927. More than a year has elapsed since then and, as I said, we made attempts to bring this matter to the notice of Government, but it does not seem that Government fully appreciate the difficulty. You can very well understand how difficult it is for the litigant public with their witnesses to be present at the courts till 8-30 or 9 P.M. in many cases and on many occasions. I submit that this is a state of things which must be remedied within as short a time as possible, and my submission with regard to this would be that the time has certainly come when the people do expect that they should get an adequate return for the money paid for purchasing justice.

There is no reason why there should be this unusual delay and trouble given to them for obtaining justice from civil courts, and having regard to this fact I submit that we have made out a very strong case as to why each district should be self-contained with one Judge and one Subordinate Judge, as far as possible.

Babu ROMES CHANDRA BACCHI: Sir, I support the motion moved by Babu Jogindra Chandra Chakravarti. It is evident from the figures given in the budget estimates that the sale of judicial stamps is one of the principal items of revenue of the province. There is a considerable margin of profit even after meeting all the expenditure of the Department of Administration of Justice. So it is high time that Government should discontinue the most vicious practice of grouping certain districts together under the jurisdiction of one District and Sessions Judge and removing from time to time the congestion of work, which is the natural outcome of such arrangement by appointing temporary additional officers to clear off the file. Sir, this practice of grouping districts for judicial works might have its justification to some remote past but there is nothing of it to-day. People want not only justice but speedy justice as well, and it is the duty of the Government to facilitate the means of having that justice. For this purpose each district should be made self-contained and as far as possible a separate judicial district. Sir I shall cite the instance of Malda district which is also a victim of such a system. Malda is not a separate judicial district but is within the district of "Rajshahi and Malda." The District Judge of Rajshahi goes there at intervals of three or four months to try sessions cases there and hear appeals at Rajshahi. The natural result of such arrangement has been that number of sessions cases remains pending almost always for a year and sometimes for 18 months or more before they can be taken up. An additional Sessions Judge has recently been temporarily posted at Malda to clear off the

arrears. But this state of thing is the natural outcome of paucity of judicial officers and the system of grouping districts and as the congestion of judicial work is continuing no time-serving arrangement can be the proper remedy.

In the matter of civil justice the state of things at Malda is far less satisfactory. There are two Munsif courts at Malda Sadar. Formerly the first court used to try suits up to the value of Rs. 2,000 while the Subordinate Judge sitting at Rajshahi used to try suits above that value. The inconvenience of such arrangement to the litigant public ought to have moved the authorities long ago to make Malda a separate judicial district or at least to post permanently an Additional Sessions Judge or a Subordinate Judge with the powers of an Assistant Sessions Judge, but the time-honoured reluctance of the Government to take adequate steps in removing all legitimate grievances of the people, required a rather strong agitation on the part of the Malda people and as a result thereof, some eight years back Malda has been created a seat of the Subordinate Judge of Rajshahi, who comes there at intervals under the orders of the High Court to dispose of cases pending there. For the last two years the Subordinate Judge, as a result of repeated extensions, is sitting almost continuously at Malda and his present file there is heavier than can be disposed of by a single officer; but he will have to go back to Rajshahi as soon as his extended time expires, his file at Malda, heavy as it is, is now becoming still more congested before he comes there for the next time. Now, Sir, all these facts, I think, have conclusively proved the immediate necessity of posting a Subordinate Judge with the powers of an Assistant Sessions Judge at Malda as a preliminary step for making Malda an independent judicial district. That is the only solution so far as Malda is concerned. I hope the Hon'ble Member in charge will meet facts squarely and take up the suggestions on this subject from this side of the House.

11-15 A.M.

Babu AMARENDRA NATH CHOSE addressed the Council in Bengali, the English translation of which is as follows:—

"I beg to support the motion of Babu Jogindra Chandra Chakravarti. My grievance is a little different from that of Jogindra Babu. What I want to press before this House is this:—

In every subdivision all the criminal cases triable by the Court of Sessions are enquired into by a Magistrate of 1st class who commit the accused persons to take their trial before the Sessions Judges at the head quarters of the districts. The practice of trying the sessions cases at Sadar is much inconvenient, costly and tedious. As far as my district (Mymensingh) is concerned I may explain the situation. Tangail is a subdivision of Mymensingh district. It is 60 miles off by road and more than 100 miles by rail and steamer and road. From Tangail

Calcutta is far nearer than Mymensingh. The time, trouble and money which are required for a man to go from Tangail to Mymensingh is sufficient for a man to go from Tangail to Benares. About conveyance it may be said that ghary, motor-car, boat, steamer and trains are necessary to complete the journey of a man from his subdivision to the headquarters Mymensingh. Time is very short—that is to say, 23 hours with four changes, one at midnight with a halting from 1 A.M. to 5-30 A.M. without a rest house. Now my suggestion is that the Government may arrange one Sessions Judge to be deputed for some days of each month to each of the four subdivisions of the district to try the sessions cases locally. The Government and the parties will not be loser in any way by such arrangement—rather say it will be economical. It is not uncommon that the poor people feel much difficulty to defend their cases at Sadar. If the cases are tried locally the parties may get more facility to defend their cases. It is also a matter of consideration that the subdivisional lawyers are available at lesser cost than that of the district pleaders. It may be an argument that a district can supply more efficient lawyers than a subdivision can—I do not deny it, of course, in some cases—but that cannot be a ground. If this be the reason of trying those cases at Sadar then it can safely be urged that the sessions cases should be sent to the Honourable the High Court where best lawyers are available."

Babu BEJOY KRISHNA BOSE: While listening to the speeches of my friends it struck me that we have got a grievance which I should like to ventilate here so that the Hon'ble Member may kindly take it up with the Public Works Department and do the pleaders at Alipore a justice. At present the Alipore Bar library is perhaps the only library in Bengal from which Government take a rent of Rs. 70 per month. For the Bar library which is set apart for the barristers besides the pleaders' library no rent is charged and even the charge for electric current is paid by Government. The Calcutta Police Court library has not to pay any rent and round about Calcutta—the libraries at the Sealdah Police Court, the Munsiff's Court, the Magistrate's Court at Howrah and other courts no rent is charged by Government. How is it then that only the pleaders at Alipore have to pay Rs. 70 a month? We have written to the Government but we have got no satisfactory reply. In addition to this our difficulty is that some of our Judges are more political than judicial officers. In the last *hartal* on the 3rd February the Alipore Bar under the presidency of a very loyal citizen, namely, Rai Ram Taran Banerjee Bahadur, decided to close the library (not that the pleaders would not come but that they would not use it). The library was closed with the result that the extension of the library which was sanctioned and for which Mr. Sankey had given verbal permission was refused. I do not think that Judges ought to behave in that fashion and refuse permission like this. For the closing of the

library nobody suffered, the clients did not suffer, the Judges did not suffer, the pleaders did not suffer but all the same when the pleaders asked for the written permission of the Judge for the extension of the library he refused to grant it. If the pleaders had done any wrong the executive could take action but the Judge being a judicial officer ought not to be vindictive; he should have granted the permission for the extension of the library. At present for want of accommodation the pleaders have to loiter about in and around the courts. These are the things to which I draw the attention of Government and I hope the Hon'ble Member will kindly grant some relief to the library from which Government make a profit of a large sum of Rs. 70. If the rent be for a year then I think Government can very well give it up as the amount is very small. In any case Government, I hope, will be generous enough to make a present of this sum to the library.

Khan Bahadur Maulvi SYED MAQBUL HUSAIN: I had no intention of speaking on this motion. My friend Mr. B. K. Bose says that there is no other Bar library excepting the Alipore library for which rent is charged by Government but that is not the case. At Chittagong we have been always paying rent for the Bar library. At present our rent has been increased because we have been removed to a bigger room; formerly we used to pay Rs. 17 a month; now our rent has been increased to about Rs. 37. If in no other district Government charge rent for the Bar library I think rent for the Chittagong Bar library should be remitted.

Babu KHAGENDRA NATH GANGULY: I am interested in the Bar library at Howrah which is charged a rent of Rs. 15. Therefore it is not quite correct to say that Government charge rent only for the Alipore Bar library, when certain other libraries are charged rent also. Besides the rent we have other grievances; the cheap staircase in the Sessions Court at Howrah has not been removed yet. I requested the Hon'ble Member in charge to look to it but without effect. I again draw the attention of the Hon'ble Member to it.

Khan Bahadur Maulvi EKRAMUL HUQ: I rise to support my friend, Mr. Tamizuddin Khan, in the prayer that he has made for more facilities to the Muhammadan public to say their prayers and also for facilities to enable them to have their mosques near about court buildings. There is another important matter to which I desire to draw the attention of Government, and it is this: Government should be pleased to see to it that the cost of litigation be not what it is to-day. The litigant public have to spend generally a large amount of money in order to get their grievances redressed. This is so not only in the civil courts but in the criminal courts as well. Take the criminal courts: what happens there is that a complaint is made and the accused person is summoned. When he comes before the court he has to furnish

security and this means a good lot of money has to be paid to the lawyer who stands bail. Then the case comes up before the court again after some time and the litigant is driven to come to the court again and thence forward again and again and this costs a lot of money to the complainant and the accused. This seems to be quite unsatisfactory and when you desire to do justice you are in fact denying justice to those poor people and doing positive injustice to them for they are ruined by the cost of litigation. I would suggest that in all cases where the complaint is made which is not of an extremely serious nature what should be done is to refer the case straight to a person in the mufassal to enquire at once into it and if possible to settle the matter amicably. In most cases which are sent to persons for enquiry, it is found that they are settled out of court much to the relief of both the complainant and the accused.

When a man is summoned by a court for an offence, he is asked to furnish bail. I would suggest for the consideration of the House that in cases where the offence is of a heinous nature such as dacoity, murder or robbery, it is necessary that the accused persons should be called upon to furnish security but in cases not of that nature, why ask the accused persons to furnish bail, which would mean that you punish them before their trial for they have to pay a lot of money to those persons who stand security for them. I think Government should issue instructions to the officers of criminal courts to release the accused persons on personal cognisance. I think that would be sufficient, for we find that whenever you ask an accused to appear before the court he readily does so which shows that he has absolutely no inclination to run away: and since you take security to ensure the attendance of the accused person and since his attendance is easily produced, he should not be made to make this payment and thus saved from the necessity of incurring avoidable expenses, and the accused persons should be released on personal cognisance. This would be a great boon to the poor litigant and they would appreciate this kindness on the part of Government.

Then, again, it is generally found that a Magistrate fixes one and the same day for several cases and whether a particular case is taken up that day or not the accused and the witnesses have got to be present and thus a case which could be finished in a day or two drags on for a longer time, costing the litigant public a good deal of money. I submit, Sir, that instructions may be issued to the Magistrates to take up a particular case and, if possible, finish it on the same day and then take up another. Not to do this would mean that Government officials want that people should lose their money. I think the trying Magistrates should be warned against the practice of prolonging cases and inspecting officers should see to it that this is done. I again say that Government should not be a party to the pauperization of the masses.

Now, Sir, in the civil courts also, as is well known to all, the cases drag on for a long length of time. My friend, Babu Jogindra Chandra Chakravarti, wants to increase the number of Judges so as to ensure speedier dispensation of justice, but, Sir, that would require money. I would rather request Government to do the same thing, that is, to deal speedy justice, through other more easy and less costly means. For instance, when a case comes up before a court the defendant is summoned and the case drags on. May I suggest that as soon as a defendant comes up before a court the court should ask both the plaintiff and the defendant to refer their case to some person or persons of their own locality who has influence there and who is known for his honesty. If this is done there is every reason to believe that in civil courts at least 80 per cent. of cases will be settled at the start and out of court. In civil court cases people are harassed a good deal and are eventually ruined. Ordinarily these people have to sell their cattle and all in order to fight out, and it is found that in many cases the losing side has no money to file and carry on an appeal. In order to ensure that cases should be settled out of court, I would suggest for the consideration of Government that the Munsifs, Sub-Judges and Judges should be instructed to take steps in this direction and the officers most successful in their efforts at amicable settlement should be marked out for special aptitude in the service. If this course be adopted I am sure, Sir, it will yield immense good to the masses and to the country at large.

11-30 A.M.

Both in the criminal and civil cases every party comes determined to support its own cause no matter what they have to say and it is only when these cases are sent to the locality from which they come, that the witnesses who cannot give any untrue statements as the history of those cases and the facts relating to them are known to everybody. This I have personally found in several cases. Whenever we happened to be in the locality we told the people that "they were there to tell the truth and nothing but the truth." No oath is administered, but the people are told that it would be to their interest to speak the truth. By this means we know what the real facts are, but the courts cannot get at the real facts: the facts that come before them are more often than not distorted and false. It should therefore, be the endeavour of Government that almost all cases are sent to the people of the locality to be diposed of by them. If this is done one judicial officer will suffice for three districts to cope with the work.

With regard to the sending up of criminal cases, I think for inquiry and report it will be useful if a list of honest persons is kept in each district to whom these cases may be sent for enquiry. I do not mean those persons who supply eggs, chillies, and other things to officials, but real honest persons who take interest in the affairs of the public and who

are always ready to sacrifice time and energy for the good of the people and whose existence are known to the officials. They are not few in number and if my suggestion is accepted, I can assure the House, the Secretary, and the Hon'ble Member that civil and criminal cases will be settled quite satisfactorily and with the least cost to the public. If this is done people will no more call Government with the title of "*Shoshuk Raj.*"

Babu JITENDRALAL BANNERJEE: Since Bar libraries are in question I also have a grievance in the matter. My grievance is that the Government should forego such a large amount of possible income out of an abundant and misplaced sense of charity. I was amazed to hear that Government charged such beggarly sums as Rs. 15 per month, Rs. 37 per month or Rs. 70 per annum, as in the case of the Alipore Bar, from the rich Bar libraries of Bengal. Here is a field where the Hon'ble Member can realize a good deal of money and spend it for the benefit of the people. I would suggest a uniform scale of, say, Rs. 500 for each Bar library. If any body is able to afford this sum surely the Bar libraries can afford to do so. In the case of the High Court the sum can be multiplied *ad infinitum*. Sir, we are sometimes charged with a lack of constructive ideas and suggestions. Here is a most fruitful suggestion of which I make a present to the Hon'ble Member —free, *gratis* and without any brokerage commission.

Babu RADHA GOBINDA RAY: I would request the Hon'ble Member not to enhance the charge on Bar libraries, as suggested by the last speaker, as most of the Bar libraries are poor.

The Hon'ble Mr. A. N. MOBERLY: I did not expect that there would be such a flood of eloquence over this motion. Such a large number of questions have been raised that it is absolutely impossible for me in the ten minutes time at my disposal to meet them all and I do not know where to begin. Perhaps I should take Khan Bahadur Maulvi Ekramul Huq first, as his entertaining speech is still fresh in my memory. Hearing his speech one would think that the one object of the courts was to delay matters as much as possible, and one object of every one else connected with the administration of justice—plaintiffs, defendants, pleaders and other—was to expedite matters and to have the cases disposed of in one day. My own experience is that the Magistrates and Judges, Munsifs and people of that sort, are only too keen to clear their files as quickly as possible. The parties, however, come forward with applications for adjournment and in criminal cases, at any rate, they have means to get adjournments granted. If an adjournment is not granted they express their intention of coming to Calcutta to move the High Court. Sometimes they do move the High

Court, sometimes they do not, but in this manner they do get adjournments. If the Khan Bahadur's recommendations were accepted, I am afraid there would be a serious addition to the *bhadralok* unemployment which is at present such a difficult problem in Bengal. There is machinery already for the local settlement of cases, not in all districts, but in some at any rate, and the system is extending. There are Union benches and Union Courts to try petty criminal and civil cases. I think, if these courts command the confidence of the people, there is nothing to prevent them from going to the members of these courts and getting their disputes settled, without proceeding to the subdivisional or district headquarters. But I regret to say that in many districts the establishment of these Union benches and courts has met with much opposition, not in the locality, but in the local subdivisional and district headquarters. I cannot say with absolute certainty what this opposition is due to, but the members of this House can draw their own inferences.

Then the Khan Bahadur talked of keeping a list of honest persons. When I smiled at his suggestion, he seemed to think that I was doubting if many honest persons could be found. That was not at all in my mind. What I was thinking was what would happen if such a list were maintained. What would a man think if his name were not included in that list.

Khan Bahadur Maulvi EKRAMUL HUQ: On a point of personal explanation, Sir, I did not mean that such a list should be actually maintained, but what I meant was that Government should know which man is honest and which man is not.

The Hon'ble Mr. A. N. MOBERLY: Then he suggested that it would cheapen litigation if nobody were required to furnish bail. Suppose this bail system were abolished: who would be the sufferer? Would it not again be the people who furnish security for some consideration?

Then, as regards the question of the levy of court-fees, some of the speakers have assumed that the whole of the revenue from court-fees is earmarked for expenditure on the administration of justice. As Member in charge I wish it were so, but I am afraid it is not the case. To begin with, court-fees are not realised on plaints alone, they are realised on probates, succession certificates, certificates executed by the revenue courts, etc. Further, a few years back when this Council increased taxation and put up the rates of court-fees, this was not done with the object of spending the money on the administration of justice, but with the object of increasing the revenues of Bengal. I do not think it would be fair to take that increase and spend it on the administration of justice. I quite admit that the system, under which one Judge administers justice in two or more districts, is unsatisfactory. The system of one Judge for one district would be very nice indeed and I think the post

of Sessions Judges in the small districts, such as Malda and Darjeeling would be most enviable. We must, however, cut our coat according to our cloth and at present we have not sufficient funds to have one Judge for each district. Coming to the case of Dinajpur, the High Court did as a matter of fact ask for the services of an additional Judge for three months and that was sanctioned. It would be very desirable from many points of view to have permanent Judges in each of the five districts to which attention has been drawn, but I do not think that the need for this is so crying that it should take precedence over many of the other crying needs of the province. We are constantly accused of not spending money on the transferred departments. There are four motions here each one of which would involve very large expenditure on the reserved side, which, of course, we should like, very much to be able to afford, but we cannot. Arrears do occur in the courts. One cause of delay is a ruling which was passed by the High Court not very long ago to the effect that all the work of a criminal court must be stopped while the deposition of a witness is read out to an accused person. That is estimated to have increased the length of criminal trials by 25 per cent. (A VOICE: That rule has been upset by the Privy Council.) But the Privy Council added a rider that they thought it would be a very good thing if what the High Court said must be done were done. In these circumstances we cannot circulate an order to the Magistrates and Judges that this should not be done. Anyhow, Sir, that has led to very serious delay in the disposal of criminal cases. We have approved schemes before us for an increase in the number of Magistrates, and for an increase in the number of Sub-Judges and Munsifs, but as in the case of so many other very important and necessary schemes, we have not been able to find money for them. In the meantime we have got to carry on as best as we can with the officers at our disposal.

11-45 A.M.

The proposals that additional Judges should go round on circuit to subdivisions is, I think, a new one. But we should probably soon have objections, if we have not Judges permanently posted in each subdivision just as we are now having complaints that a Judge is not posted to each district.

(At this stage the time-limit having been reached the Hon'ble Member had to resume his seat.)

The following motions were then put and lost:—

"That the demand of Rs. 71,52,000 under the head '24F.—Civil and Sessions Courts' be reduced by Rs. 100."

"That the demand of Rs. 71,52,000 under the head '24F.—Civil and Sessions Courts' be reduced by Re. 1."

The time-limit under the head "24.—Administration of Justice" having reached the following motion was not put:—

Mr. SYED MD. ATIQULLAH: "That the demand o Rs. 85,34,000 under the head '24.—Administration of Justice' b reduced by Re. 1."

The following motion was then put and agreed to:—

"That a sum of Rs. 85,34,000 be granted for expenditure under th head '24.—Administration of Justice'."

25.—Jails and Convict Settlements.

MEMBER in charge of the DEPARTMENT of REVENUE (JAILS) (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 33,07,000 be granted for expenditure under the head "25.—Jails and convict settlements."

Mr. PRESIDENT: I propose to have one discussion on motions Nos. 142 to 149.

Maulvi TAMIZUDDIN KHAN: I move that the demand of Rs. 9,97,000 under the head "25A.—Jails—District Jail" be reduced by Re. 1.

Sir, jail reform is one of the main concerns of every civilised Government; and our Government, though not up to the mark in this respect, should at least be given the credit for entertaining ideals about such reforms and taking some steps, though faltering, towards progress and improvement. The cause of prison reform in Bengal is fortunate enough in having a kind-hearted gentleman like the Hon'ble Maharaja Bahadur of Nadia holding the portfolio of jails. The introduction of the Borstal system in Bengal is a crowning achievement on his part and may we hope that before he lays down the reins of his high office he will see Bengal prisons raised to the level of those in the West.

Reform in jail administration is called for in so many directions that I consider it useless to emphasise upon all of them. I would only draw the attention of the Hon'ble Member to a few crying reforms which I hope can be effected without any great expenditure of money.

The first point I like to raise is the construction of the privies in the jails. They are so constructed that prisoners using them have of necessity to expose their persons in a way repugnant to all sense of decency. Compulsory adaptation to such conditions produces a dehumanising effect upon the prisoners and to all right thinking men. This is extremely deplorable. This defect can be easily remedied and I see no reason for delaying the matter any longer. I would like to refer to another serious defect in privy construction in jails and that from a religious point of view so far as Muhammadan prisoners are concerned. Many of these privies are constructed facing east or west. As

the Muslim holy city of Mecca, wherein is situated the sacred Ka-ba, is to the west of this country, Mussalmans of our country never sit down to ease themselves facing east or west out of feeling of sheer reverence, and in no Muslim house one will find a latrine constructed facing east or west. Muhammadan prisoners when compelled to use east or west facing latrines in the jails undergo a veritable mental torture until the dehumanising process is complete. I hope Government will take this matter into serious consideration when the subject of reconstruction of prison latrines is taken up. The second point I shall urge is the old question of the prisoners not being supplied with mosquito-nets. Provision for this will no doubt require some expenditure to be incurred. But to my mind there is scarcely a better cause for which money can be spent. In this connection I intend to make a suggestion. If the Government cannot see its way to effect this urgent reform in the near future prisoners may be permitted to use mosquito-nets supplied by their relatives and friends from outside. The horrible torture the prisoners undergo in some jails for want of mosquito-nets should no longer be neglected and I hope the kind-hearted Maharaja Bahadur will bestow his serious attention on this elementary demand on behalf of the prisoners.

Mr. F. E. JAMES: I desire to move that the sum of Rs. 26,43,000 under the head "25A.—Jails" be reduced by Rs. 100 (in order to call attention to the need for provision for after-care work in connection with the Borstal Institution).

Sir, the object in moving this reduction formally is to draw attention of Government to the necessity for aiding after-care work in connection particularly with inmates of the Borstal Institution. Reading the other day in the report of the Bengal Jails Enquiry Committee I find a sentence to which exception may be taken. It says "at the present stage of public life in Bengal it seems useless to expect any effective after-care of prisoners to be secured through private societies or private persons." It may interest Government and particularly the writer of that report to know that there is at the present moment in formation and association for the after-care of juvenile and adolescent offenders. This association proposes to deal with the after-care of inmates not only of the Borstal Institution but also of reformatory and industrial schools. We are hoping that at a public meeting at the end of this month the association will be formally launched and, when it is launched, it will give the lie direct to the suggestion made in the Jails Enquiry Committee's Report. Now, Sir, it has been the practice in England and in America and as far as I am aware in every country where after-care work is organise for the Government of those countries to give a subvention towards the work. In this year's budget I believe an amount was included for after-care work in connection with the Borstal Institution.

I do not find any provision specified in the budget for next year, but I was informed by the Hon'ble Member in charge that there is a provision although not under that specified head. I am glad to know that, and I should like to ask the Hon'ble Member whether he is prepared to give such an undertaking, as he can give, that Government will continue to assist in supporting work of this nature. It is quite understood that any promise of further assistance is subject to the vote of the Legislative Council, but I would impress upon him that if this work is started and is to be carried on it is essential that Government should continue to give that assistance which it already has budgeted for this year. For by the passing of the Borstal Act, 1927, Government has committed itself to a work in connection with the reformation of young offenders the most essential portion of which is that difficult transitional period during which efforts are made to settle them in normal habits of life and circumstance. Every member of this House is aware of the sympathy and the encouragement which the Hon'ble Member has always given to this kind of work and I am quite sure that in asking him to continue the assistance we are not asking him in vain.

Babu BEJOY KRISHNA BOSE: Sir, I have very great pleasure in supporting this motion of Mr. James. During the discussion on the Borstal Bill it was made quite clear that the purposes of the Act would be frustrated unless an after-care association was started to take charge of adolescent offenders after release. In the Jails Enquiry Committee's Report Mr. Justice Pearson and others had reported about the after-care of ordinary prisoners—long term and short term—and we find from the Resolution on that report that His Excellency said that the after-care of prisoners is a matter which was receiving the careful attention of Government. It is not possible for the Governor in Council to go very far in this matter without more active assistance from the public than he has hitherto received. He is prepared to give any assistance in his power to any properly organised society which is willing to take up this work. But if the Government is anxious to favourably consider such proposals with regard to ordinary prisoners, how much more it is necessary to start after-care institutions for young offenders. I am quite sure if an organised institution or society is started for the purpose of taking charge of these adolescent offenders and juvenile offenders after their release it is expected His Excellency the Governor in Council will extend to that society not only his sympathy but whatever money is necessary for the purpose of carrying the work of that society. It is well known now and Government is also aware that a society has already been started for this purpose, the inaugural meeting of which will be held on the 30th of March. We find that there is a provision of Rs. 3,000 this year. We shall be glad if that money is made over to the society. We find at page 117 of the budget that provision of Rs. 40,000 has been made for running

the Borstal Institution. Perhaps this means the Borstal Institution at Bankura. But I find no where in this budget that any amount is provided for the purpose of taking after-care of young offenders. I should like to hear from the Hon'ble Member as to whether he will be pleased to provide for any amount larger than Rs. 3,000 for the purpose of carrying on the work of that character next year.

12 noon.

Mr. W. L. TRAVERS: I rise to support this motion, and to call attention to one point which is this: There is no doubt about the excellence of the work of reforming and reclaiming specially young *ex*-prisoners, but there is another point. From the purely utilitarian point of view it pays Government to take an interest in these prisoners after they leave jail. It is surely more sound from that point of view to pay Rs. 50 now to place a young fellow on the proper path than to spend Rs. 250 to Rs. 500 in later life to indulge him in various periods of hard labour in jail.

Mr. F. E. JAMES: I desire to move that the demand of Rs. 26,43,000 under the head "25A.—Jails" be reduced by Rs. 100 (in order to call attention to the need for a revision in the pay of warders).

My object in doing this for the second time is to call the attention of Government to the urgent need for a revision in the pay and general terms of the warders staff in the jails of the Presidency. The present pay of the warders is from Rs. 10 to Rs. 20, (in the case of the head warders Rs. 24—27—30) with an allowance of Re. 1 as Presidency allowance. Out of that they must supply their own food, support their families and work extremely long hours in circumstances that require a great deal of attention and supervision. Their living quarters are on the whole thoroughly bad, and have already been condemned by His Excellency the Governor. There are insufficient quarters for the married warders of the staff. I understand there is no hospital for the warders' staff. There is no training provided. Warders are recruited direct from villages and become warders without any preliminary training. I understand, from a visit to one or two of the jails, that it is impossible, owing to shortage of staff, to give them any adequate training while pursuing their duties after their original appointment. If you will turn to the report of the Indian Jails Committee, 1919-20, you will find there that this subject was raised and commented upon somewhat severely. In that report two main recommendations were made. First of all, that the terms of service should be so improved as to be even better than those enjoyed by the members of the Police owing to the peculiar nature of their duties. Secondly, that better quarters should be provided for the warders' establishment. I should like to ask the Hon'ble Member

as to whether Government has been able to accept any single recommendation of the Indian Jails Committee in regard to their proposals in connection with the warders' establishment. In 1927 we find that the Bengal Jails Enquiry Committee also reported on the same subject. They covered the same ground as was covered by the Committee in 1919-20. They recommended that there should be a decided improvement in the conditions of pay and prospects of the warders' establishment. They went further than that. They made definite recommendations regarding the training of new warders. Now, Sir, it seems to me that when you have a large Government establishment such as are in the jails, and a large staff of over, I think, 1,300 warders in that establishment, you are under a moral obligation to provide them at least with sufficient money to live upon and with some reasonable prospect in their circumstances. At present they have not enough to live on nor have they any prospect of long continuance in service. The consequence is that the position in every jail is unsatisfactory from the point of view of the relations between the warders and the convicts. Any jail visitors knows that well enough. Secondly, there is difficulty in regard to the recruitment of warders. The present establishment is distinctly under strength and in certain areas there is great difficulty in obtaining new recruits. In the third place I would suggest that not only is this question of the revision of the pay of the warders a moral obligation upon Government but also it should be the first stage in reformatory work in the prisons. It is useless arranging lectures and starting primary education in the jails unless you have a warder staff which is more intelligent, better educated than the present staff and which is an improvement on the average police staff (which is trained and which has a larger prospect of individual advancement in their own service). I am quite aware that the Hon'ble Member will immediately say that he entirely agrees with what I am saying now, but that this is a financial question and the Government of Bengal simply have not got the money. It is very difficult to meet that argument, but I would venture to suggest to the Hon'ble Member that in respect of these essential services such as jails and prisons, the Government have a direct responsibility with regard to the staff they employ. If it is not possible to find the money in the present budget, I would ask whether it is not possible by retrenchment in other directions to provide the required sum. If this is not possible, I would ask the Hon'ble Member whether there are not certain occasions on which it is advisable to borrow from the balances. These men have a direct claim upon Government, they have a direct claim for the support of this proposal on every member of this Council. After all, although they are warders in the jails, they are flesh and blood and are entitled to every human consideration. I know Government is anxious to give them that consideration, and I trust that if the Hon'ble Member desires to have behind him the support of the

Legislative Council in presenting the claims of this department of his administration, that support will be readily forthcoming.

Babu BEJOY KRISHNA BOSE: In the absence of Babu Akhil Chandra Datta, may I have your permission to move the next motion?

Mr. PRESIDENT. Yes.

Babu BEJOY KRISHNA BOSE: I beg to move that the demand of Rs. 26,43,000 under the head "25A.—Jails" be reduced by Re. 1.

Ever since the publication of the report of the Pearson Committee in 1927 we have been trying by means of resolutions to raise a discussion on the subject, but the freaks of ballot, the insufficient number of days given to non-official business and the calling of the Council to sit at longer intervals have always prevented the discussion taking place. It would be seen from the way the resolutions had been worded and framed that we in this Council were anxious that no steps should be taken on this report before we were allowed an opportunity to have our say on such an important subject. But the Government has already issued a resolution (No. 881-P. J., dated 28th November, 1927) in which they have given effect to some of the recommendations with regard to the warders, part-time Superintendents and convict officers and the separation of clerical from executive functions. But while the European prisoners are treated with every possible consideration, given all possible facilities with regard to diet, dress and other necessaries of life, Government have done nothing to lay down rules for the treatment of Indian prisoners of superior social status in life. We find in paragraph 15 (*c*) of the Government resolution that "the Governor in Council understands that the question of the treatment of European prisoners and prisoners of superior social status will be discussed at the forthcoming conference of Inspectors-General of Prisons, and has decided to await the opinion of the conference on this matter before coming to a decision." Is there any reason why an European, because he is an European, should be treated like domesticated sons-in-law, whereas an Indian of far superior social position, of better education and culture, accustomed to live in comfort, be treated as an ordinary felon of low caste?

With regard to the detenus and persons convicted of political offences, the Committee's report is very unsympathetic. I am glad Government have not taken any steps in the matter. They say in paragraph 15 (*d*) of the resolution that "Government agree with the Committee that such prisoners are difficult to deal with, and that their case requires special attention, and are giving careful consideration to the question whether there is urgent need for any radical change in the rules with regard to such prisoners or in the nature of the treatment accorded to them." The recommendations of the Committee are

so radical, so unsympathetic that we are afraid any moment Government after careful consideration, might issue instructions before this Council has an opportunity of discussing those recommendations. We find that some of the recommendations are to the following effect. That these detenus and political prisoners should be entitled to no special consideration for their superior education, political nature of their offence or social position. They should not live in association, should be drafted to different gangs for work, confined during night in cells. They should receive no special jail privileges, should be treated as ordinary convicts, confined in special cells. Simple imprisonment prisoners should be given penal diet and hard labour as a jail punishment. These recommendations if given effect to will result in more discontent and trouble. This Council ought to be consulted before Government come to any decision. A very curious suggestion will also be found in the pages of that report where the suggestion is made that the lives of short-term prisoners should be made as uncomfortable and unpleasant as possible so that they may not come back. True, they may come back as short-term prisoners, but as long-term prisoners to live in comfort and lead pleasant lives, indeed more pleasant than these short-term prisoners in jail!

12-15 P.M.

Labour is recommended for all classes of prisoners either short or long term and even Courts are asked to avoid inflicting short-term sentences either simple or rigorous. These recommendations take one's breath away and I am thankful to Government for not giving effect to them as yet. As a protest in anticipation I beg to move this motion and request the Government not to take any action before this Council had an opportunity of discussing those recommendations.

Babu JITENDRALAL BANNERJEE: I beg to move that the demand of Rs. 26,43,000 under the head "25A.—Jails" be reduced by Re. 1.

Before I speak on my motion I should like to clear away one misconception under which Mr. B. K. Bose seems to labour. He complains of the preferential treatment accorded to European prisoners, and he thinks that this sort of special, preferential treatment is accorded only to men of European nationality. Nothing of the sort. In the Jail Code the term European prisoner is used in a much more expansive sense; it includes not simply Europeans but Burmans, Chinamen, Negroes, Kaffirs and in fact anybody and everybody except Indians. Under the Jail Code, the greatest offence you can commit is to be an Indian. This is so far as Mr. Bose's misconception goes; and with the main burden of his complaint here I am in perfect agreement. But I differ totally from another of his suggestions, *viz.*, as regards short-term, simple-imprisonment sentences. My friend seems to think that

there is some virtue in that system. I think the whole system is a nuisance and deserves immediate abolition. I have no sympathy for the recommendations of the Jails Committee as such: but so far as this one point is concerned, I have every sympathy with them when they say that there ought to be no such thing as "simple" imprisonment. Every person in jail ought to be given some work to do; that is an elementary principle of jail reform. When the Government takes up the recommendations of the Jails Committee, I hope they will make it a point to abolish the system of simple sentences. The same considerations would apply in the case of short-term prisoners also. Short-term prisoners cannot be taught any useful industry in jails. If you want your prisoners to derive the maximum of benefit from the disciplinary treatment of jails you have got to be sure that they are there for a certain length of time.

As regards the object of my motion, I want simply to draw the attention of the Hon'ble Member to two points, first as regards the treatment accorded to political prisoners, and secondly as regards the unauthorised, illegal and barbarous modes of punishment which even now prevail in some of our jails.

First, as regards political prisoners. The Hon'ble Member will tell me perhaps that there is no such thing as a political prisoner: that is one of the pleasant fictions which they keep up in jails. Technically and legally, I know there are no political prisoners; but I challenge the Hon'ble Member to contradict me when I say that persons convicted under section 124A (sedition) are given a peculiar kind of treatment very different from the treatment which is accorded to prisoners in general. In the first place they are kept confined in solitary cells, and I should like to know from the Hon'ble Member why this should be so. Here again I shall be confronted with the pleasant fiction that there is no such thing as a solitary cell, and technically and legally the Hon'ble Member will be right once again. There are no solitary cells in our jails, there are only segregation cells. But what is the difference between the two? The difference is subtle, illusory, almost metaphysical. What happens is this. If you are confined in a solitary cell, you are not permitted to see the face of any human being from day's end to day's end. In a segregation cell also, things are much better. There too you cannot talk or mix with any body and cannot work in the common yard: but a similitude of difference is kept up by the fact that sometimes a warder strolls in lordly fashion before your cell-door and is thus supposed to mitigate the horrors of your solitary imprisonment. Sir, there may be some kind of difference between solitary and segration cells, but it is a difference that passeth understanding. In any case, confinement in solitary or segregation cells is meant only as punishment for jail offences: and my point is that political offenders whose tickets are clean, against whom there is

Babu SURENDRA NATH BISWAS: Sir, I would add another example of the interference of the Political Department in the jail administration. I refer to the case of a political prisoner, since released, named Kalipada Ray Chaudhuri of Madaripur. He was detained in a village in the district of Birbhum. The place was very malarious and he got malaria of a bad type. He used to get frequent attacks of malaria and had to consult doctors. For a month or so he was given medical aid. He was put in charge of a sub-inspector of police near the thana and whenever he got fever he informed the sub-inspector who arranged for his treatment. But after some time he was informed that he would not get medical aid unless the District Magistrate gave permission for it.

12-30 P.M.

Sir, it is a very curious thing that when a prisoner is attacked with fever he will have to tell the Sub-Inspector about it and the Sub-Inspector will inform the District Magistrate who may at that time be several miles away either at the headquarter or in the distant mufassal from where after receiving the information, how long after nobody knows, he will pass orders to the Sub-Inspector to give the prisoner medical aid. And the aid may reach the prisoner when it is too late or unnecessary. I cannot conceive of a more inhuman treatment, but still this is the way in which our young men are treated. I got information about this and wrote about the matter to the Political Department. The reply I got is with me. The Additional Deputy Secretary to the Government of Bengal wrote to me saying "With reference to your letter of so and so regarding the health of Babu Kalipada Chaudhuri, I am directed to say that the detenus in domicile are under the charge of District Magistrates. Government have no reason to suppose that the District Magistrate has not taken proper action to look after the health of the detenu. Government are not prepared to transfer the detenu from his present domicile." Sir, I, being a member of this House, referred this matter to the Member in charge for enquiry as to whether it was a fact that the prisoner was not being given proper medical help and whether it was a fact that the District Magistrate said that the prisoner should not be given medical help without his permission, but no reply was given to me on this point. I am told that the District Magistrate must be supposed to have taken proper care of the detenu. My friend, Dr. Roy, suggests that the District Magistrate can do no wrong. Yes, that is the slogan of the unsympathetic Government of this country; but Sir, this is not possible in any other civilized Government in the whole world. Then again, Sir, I would mention the case of another prisoner, Jatindra Nath Bhattacharjee, who was detained in a house abounded with snakes. This matter was also referred to the Political Department, but no step was taken to remedy the evil.

This is the deplorable way how the Jail and Political Departments are administered. With these words I support the motion.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Sir, I am awfully sorry I have got only a few minutes left to deal with all the points raised in the discussion and I am afraid I shall not be able to do justice to all the criticisms that have been levelled at me and the department of which I am in charge. I shall be as brief as possible. Everybody knows, Sir, that the Pearson Committee submitted their report to Government in April, 1927, and it was published in several newspapers. The recommendations of the committee as well as the action which Government took or proposed to take were published in Jail Department resolution No. 881 P. J., dated the 28th November, 1927. On account of financial stringency it has not been possible to give effect to some of the important recommendations of the committee although they have been accepted by Government. For instance, funds could not be provided for increasing the pay of warders, increasing the number of jail clerks with a view to separate the executive from clerical duties, appointment of an assistant matron in the Presidency Jail so that a female superior officer may be on duty for all hours of day and night, and the appointment of whole-time Superintendents in the three large district jails at Mymensingh, Barisal and Comilla. Last year the Council voted a sum of Rs. 3,000 to further the cause of after-care of prisoners, specially adolescent prisoners, on release. The amount could not yet be allotted as no public body has come forward to take up the work. It has now been reported that a Borstal Association will shortly be formally constituted and the Chief Justice of Bengal is going to preside over a meeting on the 30th of this month when steps will be taken to organise such an association for the after-care of prisoners. The question of granting the amount of Rs. 3,000 this year to this association is under consideration. As the Borstal Institution has been started at Bankura during the current financial year and the Bengal Borstal Schools Act, 1928 (Ben. Act I of 1928) has also been passed, it is essentially necessary to have a properly organised Borstal Association as soon as possible.

Mr. James has found it difficult to understand why no provision has been made for the after-care of prisoners as was done last year. I am sorry this has not been separately shown in the estimates, but I would draw his attention to page 109 of this blue book, where he will find under "Contingencies—Office Expenses and Miscellaneous" the sum of Rs. 7,500. This sum includes Rs. 3,000 for the after-care of prisoners. I can assure Mr. James that Government are willing to help any public organisation, subject to the vote of the Legislative Council, in the matter of after-care of prisoners, and I am anxiously awaiting the result of this public meeting on the 30th March. I am

sure he will agree with me that it will not be possible for Government to make any advance in the matter until everything has been settled in that meeting about the formation of such an association.

Then my friend, Maulvi Tamizuddin Khan, has raised three points: (*1*) supply of mosquito-nets; (*2*) latrines facing west against the religious tenets of the Muhammadans; and (*3*) facilities for prayers in jails. I am very thankful to my friend for complimenting me for getting the Borstal Schools Act passed in this Council.

As regards the latrines facing west being against the tenets of the religion of the Muhammadans, this is the first time that I hear of such a thing. We have had no complaints about this before.

As regards mosquito-nets, we have provided for them in jail hospitals in all districts for patients in Hospital suffering from Malaria. This has been tried in the Pabna Jail for all prisoners, but the real obstacle is the initial expenditure and the reconstruction of the beds in the wards.

Reasonable facilities for prayers are given in all Jails. There are special rules on the subject in the Jail Code which are strictly followed.

Mr. James has raised the question of the inadequacy of the pay of warders, and want of good quarters. I have all along been pressing this question on Government and I can assure him that I shall continue to do so. Unfortunately, however, no provision could be made for this in this year's budget for want of funds.

Babu Bejoy Krishna Bose has raised the question of the treatment of the *bhadralok* class prisoners. This question was discussed at the last conference of Inspectors-General, and I am awaiting from the Inspector-General the result of their deliberations. I can assure my friend that I shall give this matter my earnest consideration.

Babu Jitendralal Bannerjee has deprecated the system of simple imprisonment for short-term prisoners. His arguments have already met the criticisms of some of the previous speakers. I need not dilate on that.

Regarding the treatment of political prisoners and the system of solitary cells, we are guided by the Jail Code and the rules made thereunder. As a matter of fact they are not all kept in segregation cells or solitary cells.

Regarding the transfer of a particular prisoner from one jail to another, to which attention was drawn by Mr. Bannerjee, my information is that he was transferred from one jail to another at his own request. This is a matter which I first heard from Mr. Bannerjee personally, and I made enquiries. When His Excellency visited the

Rajshahi Jail Mr. Hashemy's case was represented to him and he wanted a transfer from there. He was then transferred to Midnapore, which, we were advised, was suitable for him. Until the financial stringency passes, we cannot make suitable arrangements for this class of prisoners.

As regards interviews with the prisoners being subject to the consent of the C. I. D. I have no concern with it and I cannot say anything on the subject.

Mr. Bannerjee has told us something about what he called "blanket punishment." This is the first time I hear of this. (Shame! Shame!) If I have not heard of it you may cry "Shame," but I do not know whether you heard it before. (A VOICE: We have heard of it before.) I should like to ask Mr. Bannerjee to give me instances of this—and it is his bounden duty to do so. This is certainly a breach of the jail rules, and I will take serious notice if such things are brought to my notice. Mr. Bannerjee has failed to give instances of such breach of jail rules. It is but fair that details should be given if such charges are levelled against a department. These things should have come before the Jail Committee. In these circumstances I repudiate the charge with all the emphasis I can command.

As regards the question of the abolition of convict-warders and other things raised during the debate, these are questions of money, and until we have sufficient funds we cannot do anything in the matter. I quite admit that this is a very necessary reform in regard to the administration of jails.

Babu Surendra Nath Biswas has raised certain questions regarding the treatment of detenus in domicile. If time allows, I think my Hon'ble colleague Mr. Moberly will be able to explain. I have no concern in the matter. I oppose the motion.

12-45 P.M.

The motion that the demand of Rs. 9,97,000 under the head "25A.—Jails—District Jails" be reduced by Re. 1 was then put and a division taken with the following result:—

AYES.

Acharjya Chaudhuri, Maharaja Shashi Kanta, of Muktagacha, Mymensingh.	Bannerjee, Babu Jitendralal.
Afzal, Maulvi Syed Muhammad.	Basu, Babu Sasi Sekhar.
Ahamad, Maulvi Asimuddin.	Basu, Mr. P. C.
Atiqullah, Mr. Syed Md.	Biswas, Babu Surendra Nath.
Bagchi, Babu Romes Chandra.	Bose, Babu Bejoy Krishna.
Banerjea, Dr. Pramathanath.	Bose, Mr. S. C.
Banerjee, Babu Promotha Nath.	Bose, Mr. Subhas Chandra.
	Chakravarti, Babu Jogindra Chandra.

Chakraburtty, Babu Jatindra Nath.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Khorshed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Farequi, Khan Bahadur K. G. M.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Babu Satyendra Chandra.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Dayal.
Hoque, Kazi Emdadul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Lala, Babu Sareda Kripa.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur-.
Rahman, Mr. A. F. M. Abdur-.
Ray, Babu Radha Gobinda.
Ray, Dr. Kumud Sankar.
Ray, Dr. Sidhan Chandra.
Ray, Mr. G. N.
Ray, Mr. Kiran Sankar.
Ray Chaudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Sen, Mr. Satish Chandra.

NOES.

Ahmed, Khan Bahadur Maulvi Emaduddin
Barton, Mr. J. F.
Cassells, Mr. A.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Cohen, Mr. D. J.
Dey, Mr. G. G.
Dowding, Mr. T. W.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Eddis, Mr. A. McD.
Ghose, Mr. M. C.
Haque, Khan Bahadur Maulvi Azizul.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Lindsay, Mr. J. H.
Luke, Mr. N. R.
Macartney, Mr. J. G.
MacBean, Mr. J. A.
Macdonald, Mr. A.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Mukarji, Mr. S. C.
Nelson, Mr. W. H.
Phelps, Mr. Trevor J.
Prentice, Mr. W. D. R.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sashse, Mr. F. A.
Sarker, Rai Sahib Rebati Mohan.
Shah, Mr. Gholam Hossain.
Skinner, Mr. S. A.
Tate, Major-General Godfrey.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 48 and the Noes 41 the motion was carried.

The following motions were then put and lost:—

"That the demand of Rs. 26,43,000 under the head '25A.—Jails' be reduced by Rs. 100 [in order to call attention to the need for provision for after-care work in connection with the Borstal Institution]."

"That the demand of Rs. 26,43,000 under the head '25A.—Jails' be reduced by Rs. 100 [in order to call attention to the need for a revision in the pay of warders]."

"That the demand of Rs. 26,43,000 under the head '25A.—Jail' be reduced by Re. 1."

The motion of Babu Jitendralal Bannerjee that the demand of Rs. 26,43,000 under the head "25A.—Jails" be reduced by Re. 1 was then put and a division taken with the following result:—

AYES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Prematha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejay Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Khorshed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Doyal.
Hoque, Kazi Emdadul.
Hussain, Khan Bahadur Maulvi Syed Maqbul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Lala, Babu Saroda Kripa.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Rahman, Maulvi Shameur-.
Ray, Babu Radha Gobinda.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Ray Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Sattar, Mr. Abdeel Razak Hajee Abdeel.
Sen, Mr. Satish Chandra.

NOES.

Ahmed, Khan Bahadur Maulvi Emaduddin.
Barton, Mr. J. F.
Cassells, Mr. A.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Cohen, Mr. D. J.
Dey, Mr. G. G.
Dowding, Mr. T. W.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Eddis, Mr. A. McD.
Ghose, Mr. M. C.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Lindsay, Mr. J. H.
Luke, Mr. N. R.
Macartney, Mr. J. G.
MacSian, Mr. J. A.
Macdonald, Mr. A.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Mukerji, Mr. S. C.
Nelson, Mr. W. H.
Phelps, Mr. Trevar J.
Prentice, Mr. W. D. R.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sachse, Mr. F. A.
Sarker, Rai Sahib Rebati Mahan.
Shah, Mr. Gholam Hossain.
Skinner, Mr. S. A.
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 44 the Noes 41 the motion was carried.

The motion that a sum of Rs. 33,07,000, as amended in Council, be granted for expenditure under the head "25.—Jails and convict settlements" was then put and agreed to.

The time-limit under the head "25.—Jails and convict settlements" having reached the following motions were not put:—

Babu AMARENDRA NATH GHOSE: "That the demand of Rs. 26,43,000 under the head '25A.—Jails' be reduced by Re. 1."

Babu SARAL KUMAR DUTT: "That the demand of Rs. 26,43,000 under the head '25A.—Jails' be reduced by Re. 1."

Babu MANMATHA NATH ROY: "That the demand of Rs. 26,43,000 under the head '25A.—Jails' be reduced by Re. 1."

Babu AMARENDRA NATH GHOSE: "That the demand of Rs. 33,07,000 under the head '25.—Jails and Convict Settlements' be reduced by Rs. 100."

Maulvi SYED ABDUR RAUF: "That the demand of Rs. 33,07,000 under the head '25.—Jails and Convict Settlements' be reduced by Re. 1."

1 P.M.

26.—Police.

MEMBER in charge of POLICE DEPARTMENT (The Hon'ble Mr. A. N. Moberly): On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 1,76,20,000 be granted for expenditure under the head "26.—Police."

I have moved this motion in a form slightly different from that in which it appears on the paper. I am omitting from the printed sum of Rs. 1,80,20,000 the lump provision of Rs. 4 lakhs (as shown on page 122 of the budget) for the revision of the pay of the Calcutta Police constables, head constables and sergeants. It was intended to introduce the new rates of pay from 1st September, 1928, and it is still hoped to do so, but it was recognised from the first that an increase in the rates of pay in the Bengal Police was also essential. Complete proposals for the latter were, however, not before Government when the budget was prepared. I think it would be only fair to the Council to place the whole scheme for both Calcutta and Bengal before them in July instead of asking them for Rs. 4 lakhs now without their knowing what the whole commitment will be. I repeat that it is proposed to place the whole scheme for the improvement of the pay of these ranks and also of the assistant sub-inspectors in the Bengal Police before the Council in July and if the Council will vote the demand to introduce the new rates of pay in both the Calcutta and the Bengal Police with effect from the 1st September, 1928.

Mr. PRESIDENT: Am I to understand that you want my leave to take away Rs. 4 lakhs from the demand on the paper.

The Hon'ble Mr. A. N. MOBERLY: Yes, Sir.

Mr. PRESIDENT: You may do so.

Rai HARENDRANATH CHAUDHURI: On a point of order. It is the leave of the House which has got to be sought.

Mr. PRESIDENT: I do not think it is necessary in the present case. The President has the discretion in a matter like this.

Maulvi TAMIZUDDIN KHAN: I beg to move that the demand of Rs. 2,61,400 under the head "26A.—Presidency Police—Superintendence" be reduced by Re. 1.

By way of this motion I should like to ventilate the grievances of the Muhammadan community that they have no officers in the superior ranks of the Calcutta Police. I will not say anything, regarding lack of supervision on the part of the Calcutta Police, because last year many hon'ble members of this House referred to popular grievances in this connection and some answers were given. I will only stick to my point that there is no Muhammadan in the superior rank of the Police Service. So far as the post of the Commissioner of Police is concerned, I think that no Indian can as a matter of course aspire to that. Leaving that alone, I find that in the ranks of the Assistant Commissioners and Deputy Commissioners there is not a single Muhammadan. In answer I shall perhaps be told that there is no Muhammadan because there are very few inspectors of police out of whom Assistant Commissioners and Deputy Commissioners might be selected. My point is that unless there are Muhammadans in the superior ranks of the Police service the grievances of the Muhammadans so far as the grades of inspectors and sub-inspectors are concerned will not be attended to. Therefore we want that there should be some Muhammadans in the ranks of Assistant Commissioners and Deputy Commissioners. I also maintain that qualified Muhammadans can be recruited and appointed as Assistant and Deputy Commissioners of Police if not from the Calcutta Police, surely from the Bengal Ploice, and some attempts should be made in this direction. With these few words I move my motion.

Maulvi ABUL KASEM: I just want to support my friend who has just moved his motion. It is a very unpleasant task, neither is it desirable to rise up every now and then to complain that Muhammadans are not to be found in this service or that. On the face of it, it looks to me rather humiliating and if I rise to support my friend it is simply

because I want to refute the charge brought against the Muhammadan community that efficient men are not forth-coming from their ranks for appointment to the superior public services. If we have urged on several occasions for the proper representation of the members of my community it is not for the purpose of providing employment for them or for the loaves and fishes of office but for the proper share in the administration of the province, and we want a proper share in the administration of the Calcutta Police. Sir, there is a general impression, and there is just and reasonable cause for that impression among the Moslems, especially among those not versed in the English language, that those who are known as the *bhadralog* have suffered in the past and they do suffer in the present owing to the fact that the Calcutta Police machinery is of a non-Muhammadan character. No less a person than Lord Lytton when he was at Home had to admit that there was great defect in the Police organisation of Calcutta and that the number of Mussualmans in the Calcutta Police was small. But since his return from Home and after his retirement from Bengal no steps have yet been taken to remedy this defect. We are told—as my friend has said—that there is no Muhammadan Assistant Commissioner of Police because there are no senior Muhammadan inspectors of Police and there are no senior inspectors of police because there are no senior sub-inspectors of police. But may I ask, Sir, who is responsible for all this? Is it not the Commissioner of Police? I beg to submit that it is a fact and from papers it can be shown that if a Mussalman happens to be a senior most man in the General Department and a particular vacancy occurs, it is said that that vacancy is for the special branch and promotion should be given from that special branch and if a Muhammadan happens to be the seniormost man in the special branch it is said that the general branch will be considered for the vacancy, etc. So, Sir, for one reason or other, Mussalman officers of the Calcutta Police have been deprived of their promotion, and legitimate promotion; and officers who have been highly spoken of have been passed over in preference to others.

As regards the appointment of Deputy Commissioners of Police they are not recruited from the Calcutta Police alone but from the Bengal Police as well and I should think there are several qualified and distinguished Mussalmans in the Bengal Police whose services might be, and should be, utilised for the administration of the Calcutta Police.

The Hon'ble Mr. A. N. MOBERLY: This motion concerns the Commissioner, the Deputy Commissioners and the Assistant Commissioners of the Calcutta Police. As has been pointed out the Commissioner and the Deputy Commissioners are members of the Imperial Service. The Government attempt so to distribute the officers of the Imperial Service that they may be used to the best advantage, and can offer no guarantee that there will be a Muhammadan or a Hindu officer in any post at any specified time. Assistant Commissioners are not recruited direct but

by promotion and I can offer no hope that promotions will be made to these superior offices on any other grounds than what we believe to be merit. Communal considerations cannot come into the question of promotion. The fact that the Commissioner of Police and six out of seven Deputy Commissioners are Europeans should be some guarantee that no special favour is shown either to one community or the other. I oppose this motion.

The motion of Maulvi Tamizuddin Khan was then put and lost.

1-15 P.M.

Maulvi ASIMUDDIN AHAMAD moved that the demand of Rs. 3,50,000 under the head "20A.—Presidency Police—Pay of Sergeants" be refused.

He spoke in Bengali, the English translation of which is as follows:—

"The reason why I bring this motion is that Government spend Rs. 50,000 for 198 European constables while they spend Rs. 1,99,000 for 100 sub-inspectors who have educational qualifications and other requisite qualifications for the efficient discharge of duties. I do not know why such injustice is done in this country. Objection has been made against this demand every year but Government have neither reduced the demand nor provided any remedy.

Government pay Rs. 200 to every European sergeant in addition to a considerable amount of money they spend on motor-cars and quarters for them. No less than eight educated Bengali constables can be employed with the money which is paid to a single European constable. I do not know that the duty of this highly paid constable is in any way more responsible than that of an Indian constable drawing Rs. 20 or 22. The people of the country are dying like beasts for want of food and cloth while Government are maintaining foreign nations with the hard-earned money of the poor tenants and raising the police budget from year to year. I think that the non-co-operation movement has come to take root in the country on account of the oppression of the police. It is the police who oppress innocent men in the name of preserving peace and order. It is known that the sergeants committed inhuman oppressions on the inoffensive college students on the last *hartal* day. At any rate, while the unemployment problem in the country is crying for solution, it is inexplicable why 200 foreigners should be allowed to eat up three and a half lakh of rupees. Five to seven hundred Bengali constables can be employed with this money."

Mr. TREVOR J. PHELPS: Sir, I have the honour to represent in this House the European Trading Community of Calcutta, and in their interests rise to oppose this motion, proposed by the member for South Tippera.

I cannot help thinking that the mover shows either a lamentable ignorance of the needs of a large city, or a cynical disregard for the progress and peace of Calcutta.

Without dwelling on the great necessity for a large body of men to control the traffic, which as all know, is now a serious matter, I would remind the House that, a force of men who can be relied upon to do their duty impartially and without bias, is an absolute necessity in this city where there are so many different communities, antagonistic to each other. This section of the force is according to the Government of Bengal Administration Report of 1925-26 the only section of the force who inspired confidence during the riots and whose services were in demand from every quarter. I trust, therefore, that this Council will show its strong disapproval of this motion, which I consider has been put forward only on racial grounds.

The following motion was called but not moved:—

Babu AKHIL CHANDRA DATTA: "That the demand of Rs. 3,50,000 under the head '26A.—Presidency Police—Pay of Sergeants' be reduced by Rs. 65,692."

Mr. F. E. JAMES: I notice that the motion before the House is one for the total refusal of the demand for the pay of sergeants, under "26A.—Presidency Police." I think any fairminded man in this House will realise that, in a city like Calcutta, where the immigrant population is so enormous, a force of this character is most essential. And that not simply because the town itself is full of so many outsiders, but also because of the nature of the city with its enormous congestion of vehicular traffic. All these things need a force of thoroughly disciplined men who are not necessarily drawn from the population of the town. Those who were through the riots of 1926 will, I think, be bound to admit—whatever criticism they may advance against the action of any individual sergeant—that on the whole these men did magnificient service. That fact has been proved by the experience of many of us who were very much in the northern quarters of the town during those days, when representative Indians, not only members of this House, but representative Indians not in this House, made strenuous endeavours to secure the services of this force which you are now trying to cut out of the budget. I know that there are a number of members on the other side of the House who may have some cause to smart under grievances in regard to particular members of this force. I am quite well aware that certain happenings in recent months have aroused a sense of resentment against the sergeants. After all, I would ask this House to remember that a policeman, be he a sergeant or an ordinary policeman, in times of stress is not necessarily the most gentle of persons. Any one who has had experience of riots in different parts

of the world will realise that allegations of individual violence can be brought against any member of any police force anywhere, when that force is under the stress and strain of keeping order under difficult circumstances. I feel therefore that members of this House who take that view remember that at times of stress, this force is most in demand. There is another point of view which, I believe, has been urged by the other side of the House, and which I find some difficulty in referring to, because we are all anxious to keep away from racial issues. I believe that the uncertainty in the minds of some members with regard to this vote is largely due to the fact that the sergeant force is mainly recruited by Europeans and Anglo-Indians. It must be remembered that it is one of the most essential factors in regard to a force of this kind that it should be absolutely disciplined. You must have men in this force from the ranks of those who have been subjected to discipline, who understand the meaning of discipline, and who in times of great stress—communal or otherwise—act according to their training and experience. I venture to suggest that you are more likely to find that type of persons among the sections of the community from which these sergeants are drawn than from among the other sections of the community. I would ask the members of this House to consider seriously the situation that will arise by a reduction in the staff of the sergeants or by the total reduction of the force, such as is suggested here. I have been, with the other members of this House, a member of the Police Standing Committee for some time, and I do not think I shall be betraying any secrets of the committee when I say that we had under discussion for several months the whole question of the pay and prospects of this section of the force which it is now suggested should be reduced out of existence. One thing was abundantly clear to every member of the Standing Committee and that was that the force as it exists is necessary. The second thing that was abundantly clear was if we were to retain that force, if we were to get the right type of men, we must secure better terms of pay and better conditions of service. I understand that at the present moment considerable difficulty is experienced in getting the right type of men for this force. The reason for that is that the pay and general conditions of this particular service do not attract the type of man that is most desirable. Endeavours have been made in recent times to secure an addition to this force of men from the British army; yet when you consider the terms under which privates, lance-corporals, corporals and sergeants in the British army are engaged in this country, taking into consideration not only their pay, but their allowances with regard to house-rent, medical attendance, passages for their families to the hills and home, you soon realise that there cannot be any comparison whatsoever between the terms obtaining in the British army and the terms offered to the police force here. Therefore it was with a certain amount of regret that I heard from the Hon'ble Member that he did not propose at the moment

to proceed with the scheme for the enhancement of their pay. I sincerely trust, however, that there will be no delay beyond July in bringing forward the proposal. Another thing that may be said with regard to this motion is that we are living in troublous times in this city and from all accounts there would appear to be a growing unsettlement among the great labouring communities in Calcutta and up and down the river. I would seriously ask the House, I would ask the representatives of all parties, I would ask the representatives of British and Indian trade and mercantile interests, as to whether they consider this an opportune time to suggest dispensing with the services of this particular section of the police force. Whenever there is difficulty in regard to labour we always have immediate requests not only from European firms, but also from Indian trading concerns, for the services of European sergeants. Is it therefore wise to suggest a total reduction of this force in view of the present circumstances of the province and of the city ?

Mr. PRESIDENT: It is now 1-30 P.M. and I must adjourn the House. I should tell members that His Excellency the Governor has directed that in the event of motions of no-confidence in the Ministers being disposed of before 5-30 P.M. on Wednesday, budget business will be proceeded with.

Adjournment.

The Council was then adjourned till 2-30 P.M. on Monday, the 19th March, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the ovisions of the Covernment of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 19th March, 1928, at 2-30 P.M.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers and 103 nominated and elected members.

Starred Questions
(to which oral answers were given).

Vacancies in the Legislative Council owing to inability to attend to duties.

*76. **Mr. SYED MD. ATIQULLAH:** Will the Hon'ble Member in charge of the Appointment Department be pleased to state—

(*i*) the names, with the period of their absence, of the members of the present Bengal Legislative Council who have been unable to attend to the duties of their office for a period of over two consecutive months; and

(*ii*) the names of the members whose seats have been declared vacant owing to such absence?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*i*) and (*ii*) The only case which has come to the notice of the Appointment Department is that of Maulvi Mohamed Sadeque whose seat was declared vacant on the 24th February, 1928.

Mr. SYED MD. ATIQULLAH: Will the Hon'ble Member be pleased to state whether it is anybody's duty to bring to the notice of the Appointment Department such absences, and if any record is kept of the attendance of members?

The Hon'ble Mr. A. N. MOBERLY: If any record is kept at all, it is kept in the Legislative Department and not in the Appointment Department.

Mr. SYED MD. ATIQULLAH: Will the Hon'ble Member be pleased to state how it is that only one case has been brought to the notice of the Appointment Department?

The Hon'ble Mr. A. N. MOBERLY: The Appointment Department observed one case; it is not aware whether there is any other.

Port of Calcutta, house allowance of the Chairman of the Commissioners.

***77. Babu SATYENDRA CHANDRA GHOSH MAULIK:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether it is a fact that the Chairman of the Commissioners for the port of Calcutta draws a house allowance of Rs. 1,001 per mensem?

(*b*) Is it a fact that quarters are available at the newly-constructed Port Land Park?

(*c*) Is it also a fact that for want of occupants the said quarters have been leased out to a member of a private firm for Rs. 700 per mensem?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) The reply is in the negative. The Chairman is entitled to rent-free quarters subject to a maximum rental of Rs. 1,000 per mensem. The rent of the house which he now occupies is Rs. 800 per mensem.

(*b*) Yes; but they were not available when the lease for the Chairman's house was entered into.

(*c*) Yes.

A Member: Will the Hon'ble Member be pleased to state whether the houses already constructed by the Port Commissioners are not sufficient for the Chairman?

The Hon'ble Mr. A. MARR: Yes, but the house which he now occupies had already been rented.

A Member: Is there a lease?

The Hon'ble Mr. A. MARR: As far as I know, there is a lease.

DEMANDS FOR GRANTS.

26—Police.

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. A. N. Moberly): After what has fallen from my friend Mr James I do not think there is very much left for me to say on the subject of the pay of Sergeants. I think it is a very general opinion that this force is necessary in Calcutta as a very important sea-port town with a very large mixed population. When the unfortunate riots occurred in 1926, the force of Sergeants was lamentably deficient (*A voice*: How does it compare with Bombay?) and had it not been that we were able to tide over the period with the assistance of selected private soldiers from the two Regiments stationed in Bengal, I do not quite know what we should have done. Our attention was called by the Government of India to this deficiency and it was then that we made it up. I repeat that this Force is absolutely necessary.

The following motion was then put and lost:—

"That the demand of Rs. 3,50,000 under the head '26A.—Presidency Police—Pay of Sergeants' be refused."

The following motion was called but not moved:—

Maulvi SYED ABDUR RAUF: "That the demand of Rs. 23,659 under the head '26A.—Calcutta Police—Temporary Force' be refused."

Mr. PRESIDENT: As the Hon'ble Mr. Moberly has taken away Rs. 4,00,000 from his original demand, the following motions do not arise:—

Maulvi ABUL KASEM, Babu AKHIL CHANDRA DATTA and Khan Sahib ABDUS SATTAR: "That the demand of Rs. 4,00,000 under the head '26A.—Presidency Police—Lump Provision for revision of pay of Calcutta police constables, Head Constables and Sergeants' be refused."

The following motions were called but not moved:—

Maulvi ABUL KASEM: "That the demand of Rs. 51,000 under the head '26A.—Presidency Police—Purchase and maintenance of motor cars' be reduced by Re. 1."

Mr. JOGESH CHANDRA GUPTA, Maulvi SYED ABDUR RAUF and Babu AKHIL CHANDRA DATTA: "That the demand of Rs. 27,000 under the head '26A.—Presidency Police—Secret Service money' be refused."

Maulvi ABDUL KARIM: In the absence of Maulvi Tamizuddin Khan, may I have your permission to move the next motion?

Mr. PRESIDENT: Yes.

Maulvi ABDUL KARIM: I beg to move that the demand of Rs. 31,55,678 under the head "26A.—Presidency Police—Calcutta Police" be reduced by Rs. 100.

I have moved this motion with a view to show how sometimes the Muslim inhabitants of Calcutta have to suffer greatly on account of the inadequacy of Muslim representation in the Calcutta Police Force. The butcheries and brutalities that were perpetrated in the city in April, 1926, and later, in the name of religion by the contending parties and for the sake of law and order by the police, must be fresh in the memory of the hon'ble members. I wish I had a sufficient command over the English language to be able to give an adequate description of the sufferings of the people in that dark episode. That communalism swayed the conduct of the police and played havoc even with police discipline, is perhaps not altogether unknown. Had there been an adequate number of Muslim officers and constables in the force, many a catastrophe would automatically not have taken place. I shall never forget the most impassioned speech I have ever heard that was made before the Hon'ble Nawab Bahadur of Dhanbari, while I was sitting with him at his place, by a respectable upcountry Mussalman, some of whose friends and relations must have grievously suffered in the riot. Most pathetically did he appeal to the Nawab Bahadur to exert his influence with the Government to get the Calcutta Police Force shut up for a day, if he could not get their *zulm* stopped. He seemed to have no doubt that 24 hours would be sufficient for his people to settle their differences with their oppressors. The police, he said, by restraining them while letting their opponents loose upon them, stood in the way of such a settlement. I do not know what the Nawab Bahadur did; perhaps he did nothing as he was indisposed at the time.

An instance of how a grievous wrong can actually be done merely for want of knowledge of the customs of a community, occurred at the time of the same riot. Hearing that an attack was made on some of their co-religionists near about the Wellington Square a band of Musalmans of the neighbourhood proceeded towards that direction. An Assistant Commissioner of Police who was coming from the opposite direction met them on the way and asked them not to proceed further in the direction they were going. But they insisted upon seeing what the matter was. The police resisted and some one in the crowd hit the Assistant Commissioner. When the Police saw their officer assaulted, they ran amock and in their mad fit committed such atrocities

as make the hair of the victims stand on their end even now when they think of them. Some shops and a hotel in the neighbourhood were looted, furniture and crockery were smashed and whoever was found moving about or even awake in his house was mercilessly beaten and arrested. This was at about 2 A.M. when people are generally fast asleep. So when the non-Moslem police found people moving about at that late hour of the night, they thought these must have been the people who made the row. If there were Mussalmans among them, they would have satisfactorily explained the situation and there would not have been all this mischief. It was the month of *Ramzan*, when those who fast get up at about 2 A.M. to take their last meal after midnight.

The burning and desecration of the Nimtala Mosque is another horrible incident to which a passing reference may be made. Some 10 pairs of door and window panels were brutally wrenched from the walls along with the *chaukats* and piled in heaps within the mosque and burnt to ashes after being saturated with kerosene oil; the minarates were broken down by ascending to the terrace by means of a large ladder constructed then and there with huge logs of wood forcibly procured from a yard near by. The Government would have us believe that all this was done in ten minutes time. I need hardly say that all this would not have happened if the mosque had been properly guarded by the police. Muslim police would not have permitted such desecration of their sacred place of worship and Muslim officers could have averted such unspeakable outrages by mere administrative action without derogation of police discipline and creation of inter-communal friction within the force.

As was pointed out the other day, the Calcutta Police Force has not a single Muslim Deputy Commissioner or Assistant Commissioner and the number of Muslim Inspectors and Sub-Inspectors is most negligible. Even the number of Muslim constables is far below the proportion the community may reasonably claim. All efforts to get Muslims in the higher ranks either by promotion from within or by direct appointment or transfer from outside, have proved futile. Unless there are higher Muslim officers, appointment of Muslims in the lower ranks is not possible or even desirable for reasons which I had better not mention here. The oft-repeated plea of efficiency being impaired by the appointment of incompetent men is painful to hear; for, the community never urged that unqualified men should be appointed because they are Muslims. It may not be generally known that a sufficient number of Muslims with the requisite qualifications is now available. All that is wanted is justice and fair play in the selection. What is most objectionable, is preference being given to equally qualified or even less qualified candidates because of their relationship with the men in power. Startling revelations may be made if statistics were called for as to the relationship, paternal, maternal,

matrimonial, ecclesiastical, of the higher officers in the Calcutta Police to their subordinates. My community certainly does not grudge other communities their share in the public services of the country; all that they ask for is their legitimate share, provided, of course, they can supply the required number with the requisite qualifications, which is not difficult for a virile race, at least in case of police service.

2-45 P.M.

Before concluding, I should like to refer to one other matter, namely, prohibition of cow-sacrifice within a mosque in Calcutta on the occasion of the last *Id-uz-Zoha*. If this is insisted upon in future, I am afraid, it might lead to disastrous occurrences. It should be understood that the question of cow-sacrifice within a Muslim house or inside a mosque stands on a footing altogether different from that on which the question of music before mosque stands. I think no one has an unquestionable right to use a public place in any way he likes, and, I think, Government is quite justified in interfering if there is risk of a breach of peace. But has not every individual a right (I put this question in all seriousness) to do within his own house anything that is not criminal, not to speak of the performance of religious rites? Does the question of previous custom or anything of the kind arise in such a case?

Perhaps it is not known to many that animal sacrifice is not obligatory on a Muslim who does not possess a certain amount of property. So a Muslim who might not have offered sacrifice for a time may be obliged to offer it when he acquires the property qualification. Besides, a Muslim may acquire a house in a non-Muslim locality. If such interference with the performance of religious rites within private houses and public places of worship were to be permitted to continue, I shall not be much surprised if some day some Muslim divine were to issue a *fatwa* declaring Bengal a *Darul Harb*—a dire contingency which no lover of peace, be he a Muslim or a non-Muslim, can contemplate with equanimity. All this might have been brought to the notice of the authorities if there had been high Muslim officials in the Police. Complicated questions, such as that of cow-sacrifice, have to be settled by mutual understanding between the different communities concerned. If, unfortunately, differences arise, breach of peace should be prevented not by prohibiting the performance of the rites objected to, but by supporting with the forces of law those who want to exercise their legitimate rights.

Mr. W. L. TRAVERS: There is one point in the remarks of the hon'ble mover of this motion for reduction to which I should like to draw attention. It is well known to all of us who are interested in this subject that the authorities do try and are anxious to increase the number of Muhammadans who are employed in the Bengal Police, both

here in Calcutta and upcountry. I think it is also a fact that these men are not obtainable at the present rates of pay. I would therefore, venture to suggest that if the hon'ble member who moved this motion would take himself about 100 recruits of suitable attainments to the Appointment Department, he will find that these men will be accepted.

Mr. S. A. SKINNER: Last week we heard that provision was made for all races of people in Bengal Jails. As a matter of fact people from all countries in the world come here, partly owing to the special attraction of this province to traders and industrialists and partly owing to the general growth of civilisation and amenities of travel. At the same time the people of Bengal are travelling all over the world and these factors are gradually beating down national enmities. On the other hand, I noticed in this House that there is no subject that arouses so many party animosities as the pay and administration of the Police. A well-managed and disciplined police force is a great help to communal peace, keeps terrorists at bay and prevents the exploitation of the poor. We have in this province large bodies of industrial workers. There are unfortunately also a lot of *goondas* and upcountry *budmashes* who are out to harass the poor, who, if they do not receive proper police protection, have recourse to rioting. This rioting leads to bloodshed and looting, which is all prevented by an adequate police force. I think this Council, as employers of the Police, should support them in their useful work and, as their detractors are often eloquent whilst their admirers are silent, I should like to put in a word in their favour and to express a hope that the Council will not discourage the force by voting for unreasonable reduction to staff and pay in this poorly-paid service.

Mr. Travers has drawn attention to the fact that Muhammadans have not come forward at the pay offered. I think that is also the case in many industrial concerns where there are very many anxious to employ more of them, but though they are very poor, they are not attracted by the rate of pay which some other individuals are willing to work for. In the police force with its very high standard men do not get more than the average pay even if they are believed to be better workers; therefore, these men drift to other classes of employment where their services are better appreciated.

The following motions were called but not moved:—

Maulvi SYED ABDUR RAUF: "That the demand of Rs. 3,75,964 under the head '26A.—Port Police' be refused."

Babu AKHIL CHANDRA DATTA: "That the demand of Rs. 39,63,000 under the head '26A.—Presidency Police' be reduced by Rs. 2,00,000."

Babu BEJOY KRISHNA BOSE: I beg to move that the demand of Rs. 39,63,000 under the head "26A.—Presidency Police" be reduced by Rs. 100.

The Presidency Police is one of the most pampered departments of Government. The force consists of 5,535 officers and men and cost us about 37 lakhs. Their jurisdiction is over an area of 30·8 square miles.

There are a Commissioner of Police and 16 Deputy and Assistant Commissioners, 59 Inspectors, 103 Sub-Inspectors, about 212 Sergeants, besides nearly 4,000 constables, armed police, sepoys, etc.

Formerly Calcutta was divided into several sub-districts each in charge of a Superintendent with Inspectors and Sub-Inspectors under him. Now we have got a plethora of seperior officers. Have detective qualities and investigating abilities improved by the change?

Crime is divided into political and non-political. Several departments deal with them. Political crime has its recrudescence closely connected with some unpopular act of the Government. There are periods of lull and quiet, interspersed with periods of activity, to meet which a costly Special Department is not absolutely necessary. Non-political crime is so allied with ordinary crime, that a special detective department apart from the ordinary investigation department is not at all necessary. A judicious distribution of work and amalgamation of functions can easily be made if only the question of prestige does not stand in the way. For it is the question of prestige which is the hidden rock against which many a barque of reform had struck its helm and foundered.

Some of the present thanas and outposts may be abolished. I know that some thanas had already been done away with—but the outposts created in their places are only a change in the nomenclature, leaving the framework quite intact. The several reporting centres should also be reduced to a reasonable figure and more power given to Assistant Commissioners by the abolition of some of the posts of Deputy Commissioners. The number of Assistant Commissioners may further be reduced as also the posts of Inspectors and Sub-Inspectors. Whereas in 1918-19 there were 27 Inspectors, their number increased to 56 (more than double) in 1922-23 and 57 in 1927-28. Similarly, the number of Sub-Inspectors rose from 81 in 1914 to 110 in 1923. It is now 99. The Sergeants' number increased from 115 in 1914 to 152 in 1922 and about 214 in 1927-28.

If it be said that the reduction of staff will increase the number of crimes, I might refer this House to the Annual Report on the Police Administration of Calcutta and its suburbs. In 1924, in paragraph 20, Sir Charles Tegart said: "There has been a marked decrease under the heads Robbery, Burgarly and Theft." This he described to the excellent administration of the Goonda Department and he said: "I

attribute the general fall in crime to more efficient night patrols coupled with the successful use of the Goonda Act and the arrest of the Fariapukar Gang." In the Report for 1926 (page 7), Sir Charles says: "The fall in crime under the heads 'Robbery Burglary and Theft' since 1923 was maintained." The Legislature has since then armed the Police with some extraordinary powers against the liberties of the subjects. The Presidency Area Emergency Security Act of 1926 was passed in this Council in the teeth of popular opposition—giving extraordinary powers to the Police—and people are being externed in large numbers from the Presidency area. The Legislature might now claim, in the light of experience, to suggest economies in the administration of the Presidency Police.

The next point that I shall place before the House is the huge amount paid in the shape of pay, allowances and charges on account of kit, and the disproportion between this amount and the amounts paid on these heads in the Bengal Police. The total amount spent on kit alone, excluding the Port Police, in 3 years—1920—22—amounted to Rs. 5,40,868. Besides the special duty allowances paid to various branches of the force, there is the rent for residential buildings and allowances in connection therewith. Electric charges, too, are paid, I understand, in the case of Sergeants living in rented houses. Some scale ought to be introduced proportionate to the pay drawn by officers. While in Calcutta the Inspectors and Sub-Inspectors live in very good buildings and even the constables who used to live in huts in their native villages live in good pucca buildings, what is the fate of the force which constitute the Bengal Police? In the Report for 1924 (and the state of things is the same even now) we find: "Nothing has yet been done to remedy effectively the want of proper housing . . . they can only put forward the complaint that a force which by the very nature of their duties is required to keep fit is still housed in cramped and unhealthy quarters, sometimes mere shanties which have been more often condemned than repaired."

The Calcutta standard will in future be the standard for the whole province and it will be difficult to resist the claims of the Bengal Police for better housing and better pay. A uniformity of standard is absolutely necessary with a strict eye to economy.

3 P.M.

Much has been said of the need for detective training by members of the Force. In 1923, the list of cognizable cases shows that property worth Rs. 18,41,042 was stolen. But only property worth Rs. 4,78,356 was recovered. In 1924, the same worth, Rs. 14,42,322, was stolen and Rs. 2,77,248 worth of property was recovered. In 1925, property worth Rs. 12,99,065 was stolen and only Rs. 2,46,106 worth was recovered. In 1926, Rs. 10,88,467 was stolen and only property worth

Rs. 2,04,945 was recovered. The figures show investigation by the police lead to dwindling of the amounts recovered every year. This shows a sense of insecurity and is bound to spread consternation among the wealthy inhabitants of Calcutta, whose properties the police are unable to protect or to trace in cases of thefts and burglaries. Look at the crime register to find out the efficiency or the lack of it, utterly disproportionate to the cost entailed.

If you look to the cases of murder happening in Calcutta, in 1924, 25 cases were reported, of which 21 were "true cases." Fourteen cases only were sent up; the courts could find evidence to convict only in 5 cases. So out of 21 true cases, the police could find clue in 5 cases only. In 1926, 91 cases of murder were reported, all of which were declared true cases. But investigation led to only 17 cases being sent up—ending in conviction in 6 cases only—leaving the mysteries in 85 cases remaining unravelled, and offenders were not brought to book. Does this show much of detective ability or improved quality of investigation?

Take the burglary cases. In 1924, reports were made of 1,232 cases, but only 369 cases were sent up, resulting in conviction in 306 cases only. So in 926 cases no clue was obtained. In 1926, reported cases were 673; 318 cases were sent up ending in conviction in 262 cases; 411 cases were not investigated properly and no clue obtained.

In theft cases in 1924, 5,034 cases were reported. Only 1,701 cases were sent up resulting in conviction in 1,437 cases. Here again 3,597 cases remained undetected. In 1926, reported cases were 3,446; cases sent up were only 1,557; convictions took place in only 1,295 cases. So 2,151 cases were undetected.

These figures show police administration requires pulling through. Every year increased amounts are sanctioned, but improvements there are none.

Speaking of the Presidency Police I cannot leave that subject without saying a few words on the part they played at Calcutta on 3rd February last. The police invaded educational institutions, belaboured innocent passers-by, arrested indiscriminately respectable people, in the name of breaking the *hartal*. Harrowing details were published in the newspaper, authenticated accounts were given, to which no contradictions had appeared. On the other hand, the Commissioner of Police issued hastily a one-sided white-washed report abusing the rate-payers whose salt he eats. Official justifications couched in plausible language will not be wanting, but the public will not be misled by them. This antagonism between the police and the public is a matter of infinite regret and all well-wishers of the country would like to see a different order of things.

Maulvi ABUL KASEM: I beg to move that the demand of Rs. 39,63,000 under the head "26A.—Presidency Police" be reduced by Rs. 5.

As I have said in the notice the objects of my moving this motion is to draw the attention of the House and of the Hon'ble Members of the Treasury Bench to the extravagant expenditure on the Presidency Police, both capital and recurring. Sir, in reply to a question of mine, we have been told that the recurring expenditure on the Calcutta Police in 1913-14 was about 16 lakhs and the same recurring expenditure in 1926-27 was about 35 lakhs. The expenditure has more than doubled in the course of a decade or so. The capital expenditure in 1913-14 was 1½ lakhs and in 1926-27 it was 7 lakhs, and I believe if we are to get figures for the intervening years we will always find an expenditure more or less nearer to the last figure than the first. Side by side with that, Sir, if we compare the expenditure on Education, what do we find? The total recurring grant for primary education in 1913-14 was nearly 19 lakhs and in 1926-27 it was nearly 25 lakhs. If you compare these figures you will find that Government has been not only extravagant but lavishly extravagant on the Calcutta Police. As I have said before in this House, the money spent on brick and mortar, on palatial buildings, on imposing offices, has been enormous. The Calcutta Police office, so far as the structure is concerned, marble flooring and the magnificent ceiling, will compare more favourably with the building known as Scotland Yard. But I may ask the Hon'ble Member in charge of Police if the work done at Lall Bazar is 10 per cent. of the quality of work done at Scotland Yard. We have gone more for show than for work. We have been given, Sir, by my friend who spoke just before me, facts and figures to show that so far as detection is concerned and so far as the prevention of crimes is concerned, the Calcutta Police has not justified the extravagant and lavish expenditure. Sir, we have been told that the Police is an important department of Government: peace and order must be maintained at any cost and in order to maintain peace and order you must pay your policemen well. Sir, with the permission of the House, I would like to repeat a story told in the Bengal Legislative Council some years back. It is the story of a Muhammadan Nawab who by his extravagance was practically ruined and his estates had to be taken over by the Court of Wards, and the Court of Wards granted him a monthly allowance of Rs. 300. His friends asked him to make out a budget for his monthly expenditure, and in preparing the estimate the Nawab put up the first item of a cook on a pay of Rs. 250. Then the people asked him if out of Rs. 300, you pay Rs. 250 to your cook, what will you have left to eat and to meet other expenses. Then the Nawab said "All the same he is an important member of my household, and unless I get a good cook, how can I keep my health. So, in order to

get a good cook, I must pay Rs. 250." In a similar manner the Government of Bengal say that they must have an efficient police and they, therefore, must spend all their resources on the Calcutta Police. Sir, I have not very carefully read the Annual Report on the Police Administration of Calcutta, but any one who has mixed with the citizens of Calcutta, knows the people, and the man in the street, knows the general impression amongst the citizens of Calcutta, that if a crime is committed, the police can help the man if he can produce the culprit before the police, all the evidence necessary for conviction, and, if possible, he has sufficient money and then, and then only, will the Calcutta Police agree to take up the case, or otherwise they will say: Prove your case before the court. So far as the prevention of crime is concerned, the Calcutta Police has proved to be utterly inefficient. My friend has read out the admission of Sir Charles Tegart, that the police has been vested with extravagant powers and even with the exercise of the most extraordinary powers, and if I may say so, with illegal powers: they have not been able to show a satisfactory result. Whenever the police are confronted with crimes and we find that they cannot either detect or prevent it, the police say that our powers are insufficient—we want this power and that power otherwise we cannot cope with this sort of crime. Sir, as an ordinary layman, I think at any rate that the existing laws of the land—the Penal Code and the Criminal Procedure Code—are quite sufficient instruments in the hands of a really efficient police organisation to detect or to punish every crime, but the Government of Bengal, instead of charging their police officers with inefficiency, will always try to prove their efficiency or to supplement them by granting them extraordinary powers. Of course, in times of emergency, extraordinary powers are needed, but in this country unfortunately once autocratic powers are created for any set of officials or for the executive at the time of emergency or great crisis, these powers are seldom withdrawn—they become enamoured of them; and if the Calcutta Police are deprived of these powers, they will at once cry and say: "We will not be responsible for peace and order and that will shake the foundation of the British Empire." By the grant of these extraordinary powers, the Calcutta Police authorities have practically, as is demonstrated by its own report, removed a large number of people from the city of Calcutta, and it cannot be said that all of them were guilty. Many have been sent on suspicion, and many for reasons which are best known to the authorities themselves. Sir, we want peace, but the peace of a city and a town is not the peace of a graveyard, by the exercise of extraordinary powers and by the exercise of force. We are given peace, but the peace we now enjoy is more or less the peace of a buried city rather than the peace of a living city.

3-15 P.M.

Rai HARENDRANATH CHAUDHURI: May I speak?

Mr. PRESIDENT: You will have an opportunity of speaking after motion No. 170 is moved.

Rai HARENDRANATH CHAUDHURI: But that motion, I understand, is going to be moved on another issue.

Mr. PRESIDENT: As I have invited one discussion on motions relating to the Presidency Police, you will be at liberty to discuss any one, or all the issues, which are involved in these motions. I will raise no objection if you do so.

The following motion was called but not moved:—

Maulvi SYED ABDUR RAUF: "That the demand of Rs. 39,63,000 under the head '26A.—Presidency Police' be reduced by Re. 1."

Babu MANMATHA NATH ROY: I beg to move that the demand of Rs. 39,63,000 under the head "26A.—Presidency Police" be reduced by Re. 1.

I sent notice of this motion in order to draw the attention of this House to the distressing events that happened on the 3rd February last, now known as the *hartal day*. On that day, innocent passersby and students had to feel the force of the baton and were marched in procession to the thana. Machine-guns were exhibited all over the city. All this was done in the name and the glorious name of law and order. The citizens had decided to observe a peaceful *hartal*, but the police with the aid of the *agent-provocateurs* secured the situation in order to make the people feel, in order to bring the people to their senses, that the Government was powerful enough to resist all demonstrations, however peaceful and legitimate those demonstrations may be. The Executive had taken, it is universally believed, the help of the police in order to wreck vengeance on the people. That is the verdict of the people and I speak it out openly without any reserve. To wreck vengeance on the people for what the executive called an obstructive and a disloyal attitude.

The Hon'ble Mr. A. N. MOBERLY: Disloyal to whom?

Babu MANMATHA NATH ROY: Disloyal to Government. I say again that it was a peaceful and wholly legitimate demonstration in the matter of the burning topic of the day—I mean the Simon Commission. We ought not to forget in this connection the disgraceful scenes that were enacted in the vicinity of College Square and we ought

not to forget in this connection what has been reported on reliable authority that the heads of a Government institution dealt with the students in a manner which is wholly unbecoming of the authorities of educational institutions. It is also reported that some machine-guns were found in the vicinity of the Darbhanga Buildings. A reference was made to this at a meeting of the Senate some time ago, when the Vice-Chancellor told us that he was under correspondence with Government in this matter. We have not heard what has been the upshot of that correspondence and I wish the Hon'ble Member to tell us what the real facts were and what made the police bring up the machine-guns near the Darbhanga Buildings. A remarkable incident also happened in the vicinity of College Square. A student who was suspended some days before that event by the authorities of the Presidency College was singled out for attention by the Sergeant. Why and how was it that that student was singled out, out of the whole lot of students who were there? These are all matters for which adequate explanation ought to be forthcoming and I draw the attention of the Hon'ble Member to what happened on the 3rd February, especially in the vicinity of College Square.

Rai HARENDRANATH CHAUDHURI: On more than one previous occasion we had the opportunity to criticise the top-heavy nature of the Bengal Police. A comparison of the population, the area and the strength of the police force in the different major provinces will show that the police in Bengal is exceedingly top-heavy and that police expenditure is most disproportionate. The facts and figures that we cited on previous occasions go unchallenged; they were more ignored than answered. No serious attempts were ever made to tackle them and answer them squarely. Apart from those facts and figures I just want to bring out certain other facts and figures for the information of the members of this House. My friend Maulvi Abul Kasem told us that the police expenditure in this province reminded one of a highly expensive cook of a Nawab without proper allowance. It will be seen that the police expenditure in Bengal amounts to nearly 2 crores of rupees. What is the spending capacity of Bengal in other matters? It is nothing as compared with that of Bombay or Madras. Take for instance the spending capacity of the different provinces. The budget estimates for the year 1925-26 of the different provinces will show that while Bengal could spend altogether only Rs. 11,34,00,000, its police budget was so high as Rs. 1,89,00,000, that is about 2 crores. When Bombay could command a spending capacity of Rs. 28,19,00,000, it had not been spending as much as Bengal; its budget provision for police was Rs. 1,77,00,000 in the year 1925-26. Madras with spending capacity of Rs. 18,80,00,000 budgeted in 1925-26 only Rs. 1,93,00,000 for its police, almost the same amount as that of Bengal. It will thus be seen that we in Bengal spend for the police a disproportionately

larger amount of money than either Bombay or Madras, and we budget for the police expenditure without any regard to the spending capacity of our province.

I have some other figures ready to show that even our heavy police expenditure, increasing by leaps and bounds in recent years, has, far from bringing about the millennium, not even led to any remarkable increase in the efficiency of the service. Let us compare the figures of 1913 and 1923. From the figures of that decade it will at once be seen that in 1913 the total strength of the police force was 20,362, whereas in 1923, it was 24,138, so the strength of the police was much increased during that decade. The expenditure also rose to disproportionately high figures; thus if the total cost of police in the province in 1913 was Rs. 73,00,000 only, in the decade ending with the year 1923 it rose to Rs. 1,39,00,000—that is there was an increase of Rs. 60 to 70 lakhs in police expenditure in the course of only 10 years. But did that lead to a equally more efficient police service? I maintain not; and I challenge the Hon'ble Member in charge of the Department to show by quoting facts and figures, not merely by unsupported statements, that the police have become doubly more efficient on account of the additional strength and additional cost. Let us compare the figures. The investigation of crime, it must be admitted, is one of the main duties and functions of the police force, and let us see how the figures under that head compare. In 1913, when the police force was only 20,000 and police expenditure was less than three-fourths of a crore, to be exact Rs. 73,00,000, 78,189 cognizable cases were investigated, but in 1923, when the police strength rose to 24,000 and the expenditure also rose to Rs. 1,39,00,000, the total number of cognizable crimes investigated was 74,000 only. Thus there was a drop of 4,000 cases: *i.e.*, 4,000 less cases were investigated in 1923, as compared with 1913. But it should be remembered the police expenditure almost doubled by that time and the police strength in 1923 was larger than that of 1913 by exactly 4,000 men. I challenge the Hon'ble Member in charge to contradict these figures.

3-30 P.M.

Then, Sir, as my friend Babu Bejoy Krishna Bose has also shown, there has been less and less recovery of stolen property. Let us compare the figures again of the last decade. In 1913, the percentage of cases in which properties stolen were recovered, so far as cognizable cases were concerned, was 24·3, and what was the percentage in 1923? It was 21·4. Then, again, in non-cognizable cases this percentage was 8·2. What was it a decade after when the police expenditure was doubled? Well, it was 6·2 per cent., *i.e.*, 2 per cent. less. These figures certainly show that all talk of progressive police efficiency and all arguments that more and more expenditure has led to greater and greater efficiency is pure nonsense. I, therefore, think that it is high time that an inquiry should be made into this high police expenditure

and that strenuous endeavours should be made to bring it down, at least to make it commensurate with the spending capacity of the province.

Babu AMULYA CHANDRA DATTA: Sir, I rise to support the motion of my friend, Babu Bejoy Krishna Bose. I ask the Council to pass this motion and thereby express its sense of disapproval of the conduct of the police on the 3rd February last, that is, on the *hartal* day. Sir, I live in the mufassal and was not in the thick of the fight at the time. I can, therefore, take a more dispassionate view of the matter than the Calcutta people. I have read the reports of the occurrences on that day as published in the Indian newspapers and also in the Anglo-Indian papers. I have carefully studied and analysed Sir Charles Tegart's statement, and I have not found that the charges made in that statement against those who took part in the *hartal* have been substantiated in any way. Whether Sir Charles Tegart was correct, or whether those who took part in the *hartal* were correct, is a matter of dispute no doubt, but the people called for an impartial enquiry into the matter, and up to date no such enquiry has been held. On the other hand, if I can saitsfy the Council from the statements and evidence of reliable people, against whom nothing can be said, I submit we are entitled to a verdict in our favour. Now, what are the charges which have been made against the people who took part in the *hartal*. These charges may be classified under two heads: they are to be found in Sir Charles Tegart's statement, namely, charges regarding occurrences which took place before the *hartal* day and charges relating to matters which took place on the *hartal* day. Sir, if you look at Sir Charles Tegart's report, you will find that he says that elaborate arrangements were made for observing the *hartal*. This is exactly what he says: "During the two days preceding the *hartal*, the Congress party redoubled their efforts, cases of intimidation were frequent, and there was an intensive distribution of literature urging the necessity for observing the *hartal* and throwing veiled threats against parties who were believed to be opposed to this proposal." These are the main charges made as regards the incidents which happened before the *hartal* day, and then on the *hartal* day it is said that people who boarded tram-cars were molested and damage was done to the tram-cars and various other mischiefs were done. Now, Sir, I would remind you that for some time before the *hartal*, the *Statesman* had been announcing that if any person wanted to take legal steps against those who took part in the *hartal*, the *Statesman* would finance those people; and you also know that one of the most eminent counsel of the Calcutta Bar offered his services for the purpose. Up to this time, however, I do not know if any suit or case has been instituted for any damage done by the *hartalists*, if I may so describe them, or whether any proceedings whatsoever have been taken in the law courts by any aggrieved party, and

I do not know whether that eminent counsel had to refuse any brief in the High Court in order to be able to attend or conduct cases in connection with the *hartal*. Up to this time we do not know that any party has made any complaint whatsoever of any damage done to his property. No doubt it has come to our notice that some damage was done to the tram-cars, but I would come to the origin of that: I will tell you who did that. You know, Sir, it was given out in the press some time ago that *agent-provocateurs* were at work to stir up trouble. Even high officials have told us that *agent-provocateurs* were appointed from time to time to carry on the work of the Government.

The Hon'ble Mr. A. N. MOBERLY: I have denied that on several occasions.

Babu AMULYA CHARAN DATTA: Please hear me out. In this case, Sir, of course I am not speaking from personal knowledge of the appointment of *agent-provocateurs*. A highly-respectable gentleman, I mean Dr. Bidhan Chandra Roy, made a definite charge against the police of not taking steps to arrest a boy who was seen by him pelting stones at the tram-cars and also definite charges of assault by the police. Dr. Roy is present here and he will bear me out. This is what Dr. Roy says in his statement to the Press published in the *Forward*:—

"I noticed one boy in particular with a green shawl. At first I could not decipher whose figure I could see rushing from one point to another and apparently busy doing something. I moved towards him and I actually saw him picking up a stone. I asked him who he was and he refused to give an answer. I asked the policeman there to arrest him. But he did not. Just then Dr. K. N. Ghose, who was apparently watching disturbance from a chemist shop opposite, crossed over and told me that he had seen the very boy throwing stones from six different points along Russa Road.

"Before I could get the boy arrested I heard a shout and noise coming from the direction of Sir Ashutosh Mukherjee's house. I rushed there and found two Sergeants and about 15 policemen rushing out of the gate of Sir Ashutosh's house and one of the Sergeants was hitting everyone right and left. I happened to come to grips with him and snatched the *lathi* from his hand. On turning round I saw Mr. B. N. Banerjee and pointed out the sergeant to him. He bore no number nor did any of the policemen, Sergeants, and constables had any number on."

Then Dr. Roy has said that he asked a police officer to take steps against the boy who was throwing brickbats, but he would not listen to him. Then Dr. Roy goes on to say: "Just then a European officer of the Calcutta Tramways Company rushed into the police-station and

told Mr. Banerjee, Deputy Commissioner of Police, that brickbats were being hurled at tram-cars near about Kalighat-Russa Road corner. Mr. Banerjee asked me whether I would be prepared to go and stop the crowd pelting stones. I went across and I appealed to the people not to crowd the footpath but go home. I tried to find out the persons who were throwing bricks." As I have said before, a police officer was asked to arrest a boy who was throwing stones, but that was not done. That shows that there was something behind the scene. If that boy really belonged to the party of the *hartalists*, the police would certainly have rushed at him. As regards wanton acts of aggression and violence with which I charge the police, I would quote before you the statement of Srijut Krishna Kumar Mitra, one of the most respected members of the Indian community. Even his worst detractor and enemy, if he has any, would not impeach his veracity in any way. And this is what he says. His statement appeared in the *Forward* of the 8th February: "There is nothing in the one-sided report of Sir Charles Tegart to confirm or contradict. But I must emphasise that assault on the crowd by the police was frantically indiscriminate, severe and even brutal." Continuing, Srijut Mitra said: "Chased by the police the crowd took shelter in my house—in the privy and in the kitchen below. Some constables even entered my house to beat them. As regards the Hindu School affair, I find Sir Charles naturally silent. Assault by the police on students and teachers, by scaling the walls, was absolutely uncalled for. Can anybody believe that the teachers threw brickbats at the police?" This is a very heavy indictment brought against the police by no less a person than Srijut Krishna Kumar Mitra. As I have already submitted to the Council, an open inquiry should be made into these charges. Police lawlessness was rampant in Calcutta, and the people had to pass many anxious days. I am ready to change my opinion if Government causes a non-official inquiry to be held in the matter and a verdict in favour of the police is recorded. I trust the Hon'ble Mr. Moberly will explain to the Council why this inquiry has been shirked. I might add, Sir, there is evidence of many other persons, such as Mr. T. C. Goswami and some other gentlemen belonging to the Congress Party. It may be said that their statements were tinged with bias; but take the statement of Srijut Krishna Kumar Mitra and of the Vice-Chancellor, of the Calcutta University, and other distinguished persons. All these statements make out a clear case of very disorderly conduct on the part of the police.

3-45 P.M.

Sir, so far as the mufassal is concerned, I can speak of one town from personal knowledge, *viz.*, Hooghly. On the 3rd of February, at about 12 noon, I was informed that there was some disturbance before the College gate. I went to the place and I saw that there was a police

cordon of 40 or 50 constables round about the College gate. I asked the Superintendent of Police as to whether the British Empire was in danger so that so much police force was required in order to drive away two or three boys from the College gate. The Superintendent of Police told me:—"I am not responsible for this. It is the authorities who had sent for me. . . . . ."

Mr. PRESIDENT: We are not discussing what happened at Hooghly. We are discussing the Calcutta Police.

Babu AMULYA CHANDRA DATTA: Sir, I beg your pardon. What I have said is sufficient to justify us to pass the severest condemnation on the Calcutta Police, and the only way in which the Council can do it is to pass the motions moved by my friend Babu Bejoy Krishna Bose and others.

Mr. F. E. JAMES: I should like to make a few observations in regard to the references that have been made about the incidents on the 3rd of February I should like the hon'ble member who has just spoken to know that I have not had the advantage of having before me the doubtless unimpeachable testimony of various gentlemen who were interviewed by the representative of *Forward*. But, Sir, I do happen to have the advantage of having been an eye-witness for the greater part of the day of the incidents which took place in and around College Square and the corner of Harrison Road and College Street. I suppose that nobody would deny that a *hartal*, if strictly observed, is a perfectly legitimate form of expressing a political grievance. The difficulty about February 3rd is that the *hartal* was not observed. I have always understood that *hartal* means that people should remain within their houses and close up the shutters of their shops and should not venture into the streets, thereby expressing national sorrow or indignation at some actual or supposed calamity. Now, Sir, there is plenty of evidence available which I should be prepared to give any member here—evidence of my own eyes—evidence of actual incidents which happened to friends of mine—members of my own office staff—there is ample evidence to show that the *hartal* was not observed in that way; that there was an attempt on the part of a large number of people to force those of different persuasions from themselves to observe the *hartal* by preventing them from entering buses or trams and actually, in some cases, to my knowledge, dragging people from tram-cars and occasionly by hurling bricks into buses and tram-cars and in other ways forcibly endeavouring to prevent people from pursuing their normal avocation. During the whole time I was at the northern end of the town I did not see one single machine-gun. Towards the afternoon I did see one armoured car which patrolled in the neighbourhood of College Street and was an object of very great curiosity to those who were standing about.

Now, Sir, from my own observations in regard to this day I should like to say three things. I shall endeavour to say these things in a manner which I hope will not hurt the feelings of any single member of this House, because this is a serious matter and very serious issues are involved. In the first place I do not think any section of this House should in any way feel disposed to blame the students who took part in the disorders of that day. I believe that the student population in the north end of the city was very largely exploited. This is one of the most regrettable—perhaps one of the worst forms of exploitation of students in general. I have had the honour of working among Bengali students for the last eight years and I do say in all sincerity, without any desire whatever to flatter, that there is no finer body of men in the whole world. The Bengali student is one who is prepared to go to any length to serve what he believes to be right. There is no body of men any where which is so sensitive to appeals to national sentiment; and yet this very body of men-students everywhere are in the most sensitive period of their life—were exploited by leaders of a particular political party. Their feelings were worked upon by the Swarajist press in a series of the most appalling issues I have ever seen inciting them to the worst kind of racial hatred; and then their services were used for the *hartal*. And who is to blame them if they were carried away? Who is blame them if excesses were committed in the enthusiasm of their national feeling?

Secondly, I should like to say that in my opinion no sensible section of this House should blame the police. An hon'ble member has just read various extracts from interviews with prominent men giving instances of excesses that have been committed by the members of the Police Force on that unhappy day. On the other hand there is the report of Sir Charles Tegart, which seems to indicate that the behaviour of the police on the whole was exemplary, but that excesses were committed by members of certain political groups. As a matter of fact, it would be almost impossible to arrive at the exact truth in the matter. I watched the police in one of the most dangerous and difficult spots for several hours. I cannot say that all of them behaved with extreme gentleness, but as I said the other day, when a body of police have the difficult task of keeping order—keeping order is the first thing which is in their mind and nothing else. But I will say this: that they were in a very difficult situation which was not of their making. Most of them had been on duty since 4 o'clock in the morning and had had very little sustenance of any kind. They were subject to continuous provocation from the student crowd which was looking on, and even my own somewhat imperfect knowledge of Bengali enabled me to realise how great that provocation was. The police had to keep order under a continuous fire of criticism, slander and accusation, hurled at them by groups of excited students. These men had to endure that kind of thing hour after hour and had to keep the peace at

a very difficult time and in a very difficult place. I consider at any rate, as far as I was able to observe, that these men did their duty well and did it under the greatest possible forbearance. Having said these two things I would go one step further, and I would say this: that I believe in all sincerity that those who were responsible for organising the *hartal* are the people who are really responsible for anything that happened on that day.

In the first place, I have referred already to the unwarranted use of the student class for this purpose. I do not know whether I possess any influence in this House, but if I do I should like to appeal to the members on the other side of the House who are in charge of a very important and influential party. There are hundreds of parents in Bengal to-day who are sick at heart at the position in the educational institutions in this town. Is it not time to stop using these fine young men in the flower of their youth, when all their energies should be concentrated upon bettering their educational qualifications? Is it not time to stop exploiting these magnificient young men? Secondly, if you are going to declare a *hartal*—if you feel that it is a necessary part of your political demonstration, then, may I suggest to the organisers, that they observe it themselves? If this *hartal* had been properly observed by the original organisers there would have been no trouble at all. It was not observed in that way.

In the third place, may I suggest to the gentlemen on the other side of the House that in any case under modern conditions in a great city like Calcutta a *hartal* is a very dangerous weapon indeed. Why? Because it unloses the forces of disorder and violence. After all during the whole time I was in the northern end of the town I felt that if the police had only to deal with the student population it would have been a very easy matter. But, Sir, behind the student population there was a great restless crowd of others, including *goondas*—men who were simply out to cause trouble, men who caused so much trouble in 1926. If the police, as I have said before, had simply to deal with students, they could have done it with half the force or a quarter of the force. But it was not that. If you unloose the blood-hound of hate—if you unloose the blood-hound of disorder—if you unloose the blood-hound of violence—who shall say where these foul dogs will stop their course.

4 P.M.

I would, therefore, earnestly appeal to the members on the other side of the House, especially those who are responsible for the leadership of that great party which has taken such a prominent part in this House. I would ask them seriously to consider these two points—(1) can they not release the students of Calcutta from the evil spell under which they at present live, and leave them free for the work which they are sent to do by their parents in the University; and (2) can they not once and for all either perfect this weapon of the *hartal* so that it

is no more two-edged, or cast it way altogether and go back again to the more constitutional and justifiable forms of political agitation?

Dr. BIDHAN CHANDRA ROY: I have listened very patiently to the appeal and to the sermon of Mr. James. We shall listen to the appeal when he ceases to be the official apologist of the House and when he has learnt the Bengali language a little more than he knows now, as it is only then he would be in a position to give an opinion. I had been a resident of the Y. M. C. A. for six years and I know that Mr. James' predecessor in office knew Bengali a great deal better. I say this for this particular reason—as my name has been brought in connection with this particular discussion. I say at once that of all the men whom I saw out on that morning, I hardly saw one Indian either using force or abusive language towards the police or the public. On the other hand, I say that every act of cruelty that I have seen—I will give some instances of these—was done deliberately and more than what was justifiable under the circumstances not by Indian policemen but by the European police Sergeants. I say further that there was one police Sergeant at the corner of Kalighat Road and Russa Road who was an exception to the general rule, and who carried no baton and used no violence whatsoever. When I went myself to get the crowd back he turned round to me and said: "leave the crowd alone to me." That man actually succeeded without any use of force in pushing back the whole of the crowd and thus peacefully regulated the traffic. What does that prove? It proves that the force used by the Sergeants was unjustifiable and as such provoked the people to use force in return. I have been told by Mr. James that these boys had behind them a very large number of *goondas*. I do not know whether Mr. James considers some of the members of this House as *goondas*? May I ask him—he ought to have more official information than we possess—whether the police know every *goonda* in the town of Calcutta. Sir Hugh Stephenson told us on one occasion and Lord Lytton in his Malda speech said that the authorities have got their finger on every *goonda* in Calcutta. May I ask, knowing full well that the *hartal* was going to take place on the 3rd February, if Mr. James' reading is correct that the *goondas* were responsible for creating the disturbance, what steps were taken by the executive authorities to stop these *goondas* from coming out on the streets on that day? I deny on the floor of this House the statement of Mr. James that any Congress people did anything. I had not seen one Congress volunteer using any force or using any abusive language. You can take it from me for what it is worth. He had seen only one small part of the town. I was that morning in two very disturbed areas, that is to say, in Russa Road from 9-30 to 12 noon and then again from 1-30 to 3-30 P.M. in College Square. My profession took me to Russa Road. When I was opposite the late Sir Ashutosh Mukherjee's house, I saw the police dragging people about.

I got down from my car and tried to find out what the reason was. I was told that Mr. Ramaprasad Mukherjee and two of his brothers were taken to the police lock-up and I followed the crowd to the thana. There Mr. Banerjee, the Deputy Commissioner, said that the police would not proceed with the case against the Mukherjee brothers. We came out of the thana. When we came back in front of Sir Ashutosh Mukherjee's house, we found that two Sergeants and several policemen were actually inside the house and assaulting people. An old servant, a man of sixty years of age, was brought forward by Mr. Ramaprasad Mukherjee. The man had wounds at the back of his head. I showed it to Mr. B. N. Banerjee, who inquired which policeman had caused this injury. I told him that I could not identify the Sergeant as he bore no number, but I pointed out a police Sergeant and said, "he is the man" and I asked Mr. Banerjee to take up the case. In other parts of the city, too, I observed that the policemen had no numbers (Shame, shame!). I say deliberately that there must have been instructions from headquarters that the police numbers should be taken off on that particular date.

The Hon'ble Mr. A. N. MOBERLY: How were they dressed?

Dr. BIDHAN CHANDRA ROY: They were in khaki. I saw this in Russa Road, also in Bow Bazar and College Street. I followed the Sergeants and the European members of the force and other officers, and not one of them had numbers on their shoulders. (Shame, shame!). However, I pointed the man out to Mr. B. N. Banerjee, who said that he would make inquiries, but I do not know what inquiries have been made. I would like to know whether Mr. James believes that this old servant of 60 was throwing brickbats? What justification had the police for rushing inside Sir Ashutosh Mukherjee's house?

Mr. F. E. JAMES: I was very careful not to make any allegations against any particular group either on one side or the other. My argument was simply that *hartal* is dangerous.

Mr. PRESIDENT: Mr. James, you were not being misrepresented by Dr. Roy and I do not think that he is now raising any point to which you can reasonably take any exception on personal grounds.

Dr. BIDHAN CHANDRA ROY: I am giving an account of what I actually saw. I saw Sergeants entering a group of houses belonging to Sikhs. I found one man was very excited, with a dagger in his hand, and he said: "I am going to kill that man with a *topi* on." I desire to tell Mr. James that if I had not been there that man would have stabbed the Sergeant, and I desire to further add that it is not the members of the Congress who are responsible for the disturbance. In

fact, they stopped many disturbances. I do not deny the statement of Sir Charles Tegart that tram-cars were stoned, and on this point I am inclined to agree with Mr. James that there was a crowd of *goondas* who threw brickbats for their own purpose. If Sir Charles Tegart had found that the tram-cars and buses were going empty and were being stoned by the *goondas*, what justification was there for keeping that irritation alive before the public by allowing the tram-cars to run and thereby affording opportunities to the *goondas* to commit further outrages? What justification had the police to put Sergeants and constables in front and behind the tram-cars to make the tram-cars run in spite of the wishes of the people who had shown that they were anxious to observe the *hartal* as they had closed their shops? Why must the police insist upon doing something which the public were not prepared to allow? There are three instances, glaring instances, in which I can show how the police protected the unprotected citizens on that particular day who where trying to follow their normal avocations. I will take first of all the instance of the clerk of the University press. He was passing from the press room to the main building inside the compound of the Darbhanga Buildings. Why should this man have been hit on the head when he was passing through the press room in the Darbhanga Buildings I am at a loss to understand? I am told that at half past four the police came and found that there was a crowd and they pushed the crowd down Peary Charan Sarkar's Street and into the grounds of the Darbhanga Buildings and hit the man who was passing from one part of the building to the other. Was this done to show that law and order was being maintained (Shame, shame!). Was this protecting innocent citizens anxious to do their daily work? There was another man who was going along Beadon Street towards Nimtolla Ghat to go to the Mint to attend to his duties. He was hit by a police Sergeant and taken to the hospital and the doctor in charge of the Mayo Hospital reported that his condition was very serious. I do not know whether the man is in the land of the living or dead. These instances will show that the police should have a little more imagination than to assume that merely by the use of machine-guns or armoured cars or by batons they would be able to drive the citizens to do what the bulk of the people are not inclined to do. With regard to the particular part of the town of which Mr. James has spoken, I may say that I was there from half past one to three-thirty. When I reached the north-west gate of College Square I found a police Sergeant and 25 police constables pursuing a crowd inside the College Square right along towards the south, then along towards the east till they reached the place near the *Sanjibani* office. I and my friend Mr. Goswami, who was with me, asked them if they were going to chase us also, and to this a Sergeant replied: "These men have been throwing brickbats, and he pointed out one small missile." I said, that "instead of using force, will you wait for three minutes, and see if I

cannot disperse the crowd?" If Mr. James was present there, he would have personally seen that in three or four minutes the whole of the crowd was dispersed. Mr. James has said that it would have been better if the Congress people and volunteers had not stirred out on that day. As a member of the Congress party I can claim to have saved at least the life of one European who was going to be stabbed with a dagger, and I can also assure the House that but for the intervention of the Congress people the situation would have been worse. I am not prepared to accept Mr. James' statement when he says that the students of Bengal for whom he has the highest respect, were exploited by the leaders of a particular group, and that the worst kind of racial hatred was aroused in them. Does he not know that in his own country and in all European countries in events of this character when the people's feeling has been excited over a particular question, students always take the lead? Has he forgotten that when the students are excited they go to excesses? Has he forgotten the occasion when Pussyfoot Johnson's eye was gouged out by students? If Mr. James gives up this position as an apologist for the official party and makes us an appeal, we shall accept his appeal and follow what he says.

(At this stage the member having reached the time-limit resumed his seat.)

Mr. KIRAN SANKAR ROY: I do not want to make a speech, but I want to add one instance to the many instances of my friend, Dr. Bidhan Chandra Roy. Near the New Market two or three Congress volunteers were trying to disperse a crowd. I saw with my own eyes two Sergeants in khaki who were without any number assaulting them absolutely unprovoked, and when I asked the police why this assault was made, I was immediately arrested. I was taken to the Maidan—they had a free drive in my car—and after a short time they allowed me to go, saying, "All right, you can go now." Sir, we on this side of this House do not feel any indignation about the treatment. I mention this instance not in a spirit of complaint, because we, Congressmen, do not make any complaint of this behaviour. After all it is by assaults, physical force and illegal arrests that a foreign power maintains its supremacy and makes political agitation impossible. Even if we have to face machine-guns and policemen whose identity cannot be traced, we must be prepared, and there is no cause for indignation.

[At 4-20 P.M. the Council was adjourned and it reassembled at 4-30 P.M.]

Babu SACHINDRA NARAYAN SANYAL: Sir, I want to make a few observations in lending my support to the token cut proposed in the Police budget. I would first of all enter my emphatic protest against the conduct of the police Sergeants on the last *hartal* about which the previous speakers have referred to. I do not think there is any necessity

of employing, and that in increasing numbers, Sergeants who look down upon Indians so much, that we often hear of serious complaints about their ill-treatment in public thoroughfares. The traffic Sergeants are a positive nuisance to the Indian car and bus owners for in taking down numbers of cars for alleged violation of traffic rules they do not act impartially, and consequently Indian motor-car owners and drivers suffer. The treatment they mete out to private, that is Indian, bus or taxi owners or drivers is no better. If the Hon'ble Member in charge of the Police portfolio would kindly inquire into the allegations, as published in last Sunday's *Forward*, the *bonâ fides* of my charges would be evident. They allow the utmost privilege to the Tramway and Walford buses, whereas they show their vindictiveness by harassing the private bus owners, in consequence of which the public, for whose convenience the private buses run, suffer much. I would suggest that the Commissioner of Police should recruit Sergeants from amongst efficient and qualified Indian youths of good family and physique. As regards the Mounted Police, the less said the better. I fail to understand what efficient services they render, except using their sticks on innocent football ground crowds and flourishing their canes before peaceful gatherings on the Maidan, during Proclamation Parades and on such other occasions. I would next point out that there is not a single Indian holding a permanent appointment as a Deputy Commissioner of the Calcutta Police. I may mention in this connection, that although an eminent Bengali officer has been officiating in that post for about two years and who rendered signal services during the riots at considerable risk of his life, yet he has not been made permanent for reasons best known to the authorities. I think there must be a limit to the colour prejudice in public offices.

Mr. S. C. BOSE: Mr. President, Sir, I do not know what to admire most in the speech delivered by Mr. James before this House adjourned for prayers. I do not know whether I should marvel at his ignorance or at his impudence. He has brought into this debate a mental attitude which I should think in his cooler moments he would be ashamed of. He has said that our students are quite all right and that he has nothing to say against them, but that they have been exploited by the leaders and that racial hatred has been instilled into them. I wish that for the sake of his countrymen at any rate Mr. James had left that aspect severely alone. I wish that before he has said one word in this House about instilling racial hatred, he had read a little of the British Indian history. I wish that before he took courage in both hands and tried to deliver a sermon to the political leaders of this country, he had read the history of British rule from 1857 onwards. I wish he had read the pages of history since 1857, for if he had done so, he would have found out from there, written in letters which cannot be effaced, that racial hatred was first instilled into this country by the

Britishers who were in this country from 1857. Which student of history does not know that after the year 1857 racial hatred was sought to be instilled into the minds of the Hindus by the Britishers by their slogan that the Muhammadans must be suppressed? Who does not know who has read the records of history and the attitude of the British rulers from 1857 onwards, that it was said again and again that the Muhammadans must be suppressed? And why?—because forsooth the Muhammadans took part in the Sepoy Mutiny.

Now, Sir, coming to another feature of racial hatred—who does not know that since the time of Lord Dufferin a different form of racial hatred was instilled into the minds of the people? That was continued right through till we come to Sir Bamfylde Fuller of recent times. From the time of Dufferin the slogan of the British rulers of this country was not that the Muhammadans should be suppressed, because they felt then that the Hindus had become a power because of their Congress and their political activities. Therefore, the slogan had to be changed, and the new slogan was that the Hindus must be suppressed. I do not want to labour that aspect of the question, because those of us who have read the history of British rule in India—and have not read it vain—know exactly by whom racial hatred was instilled into this country.

Now, Sir, Mr. James has pretended that he knows all about the activities of the political leaders of this country. I can quite realise that the idea of students taking part, even a modest part, in the political activities of the country should be looked upon by Mr. James as something amounting to sedition or blasphemy. It would not be sedition or blasphemy to print in your school text-books—printed and published outside India and circulated in our primary and secondary schools—"Salute an Englishman whenever you see him"; but it would certainly be blasphemy if you were to tell your young men to use *swadeshi* goods or to boycott British cloth or not to take part in any demonstration in favour of the Simon Commission. That was really at the back of Mr. James' mind and the discomfiture——.

Mr. F. E. JAMES: On a point of personal explanation, Sir I said no such thing nor was any such thing in my mind and I must ask your protection against misrepresentation in this House.

Mr. S. C. BOSE: I could not hear what Mr. James said just now and I do not regret it, because I do not think, having regard to the speech he delivered a short while ago, he is capable of saying anything which is relevant to the matter.

Now, Sir, the fact of the matter is this—the discomfiture which attended the efforts of men like Mr. James and his friends to create some sort of artificial agitation in favour of the Simon Commission, a

discomfiture which is largely attributed to the attitude taken up by the young men of this country, is Mr. James' real grievance, and, therefore, he must fall foul of the political leaders of this country. There is a feeling amongst some in this country, as had been said in the past, and is being said now, that the young men of this country have no right to take an intelligent interest in politics. What is the exploitation that Mr. James is talking about? We all know of one form of exploitation which Viceroys and Governors have declared openly in their speeches. I quote Lord Curzon's speech at Silchar that "administration and exploitation when rightly viewed are parts of the same duty in the Government of India."

4-45 P.M.

That is the kind of exploitation we are used to in this country, *viz.*, that administration and exploitation must go hand in hand and they have been considered righteously as parts of the duty of the same Government, namely, the Government of India. But what was the exploitation that Mr. James was speaking of? Is it suggested that if the leaders of the country from the press or the platform advised their countrymen as to the particular attitude to be taken on a particular political question, that that is exploitation? We have no arms or ammunition behind us, we have no propaganda service behind us, we have not the resources of the Government of India behind us, neither have we their secret service money, nor do we import agents from outside—whether Miss Mayo or anybody else—to assist us in this work of exploitation. The only exploitation which the political leaders of the country may be supposed to be guilty of, is the advice which they give from the press and platform to young and old to observe a certain attitude towards the political questions of the day, and if this is exploitation, I can assure Mr. James that the political leaders of the country are not ashamed of this exploitation. If the countrymen of Mr. James can sit in the Assemblies and in the Councils after declarations by Viceroys and Governors that administration and exploitation are parts of the duty of the Government, if they are not ashamed of those declarations, if those utterances of Viceroys and Governors do not sting them with remorse and shame and if even after those utterances they do not "fly far from this country whose air they have polluted with their pestilential breath," then I say that we, the followers of the political leaders of this country, need not be ashamed of any conduct or supposed conduct on the part of our political leaders.

Now, Sir, Mr. James has pretended that he knows all that happened on the *hartal* day. Is it news to Mr. James that the Sergeants of the Calcutta Police who appeared on the public streets that day had none of them their numbers on them? Was it merely an accident that the Sergeants of the Calcutta Police who appeared on the public streets

that day had no numbers on them? Is it news to him that the constables also had no numbers on them? I want to know if that can be called an accident or was it not a part of a deliberate design, a deep game, so that in case they were found guilty of committing excesses in the public streets they might have some opportunity of running away without any risk of identification? That charge has been made from the press and the platform and up till now there has been no explanation from the countrymen of Mr. James who control the Calcutta Police. They have no explanation to offer as to why they turned out Sergeants and constables without any numbers on them. Is it news to Mr. James that the teachers of the Hindu School, Sashi Bhusan Saha, Karuna Kumar Banerjea, Kali Kumar Rakshit, were amongst others assaulted in their class rooms? Was it a case of exploitation of the teachers as well? Was their mental attitude towards the Simon Commission divined by the Sergeants and constables of the Calcutta Police in such a manner that these three gentlemen were picked out from the rest and assaulted in their class rooms? When their superior officers asked for redress, no redress was given. Was it exploitation of teachers by the political leaders of the country?

Now, Sir, coming to the menial servants, is it news to Mr. James that the durwan of the Hindu School was severely assaulted? Is it the suggestion of Mr. James that he also joined the young men in the streets and shouted "*Bande Mataram*"? I can quite realise that the cry of *Bande Mataram* is sedition to Mr. James and I can [MR. JAMES: Nonsense.] quite realise why he of all persons should get up in this House and defend the gross excesses of the police, which were witnessed by some of our leaders themselves, including the leader of the Congress party, Mr. J. M. Sen Gupta and Dr. Bidhan Chandra Roy. I can quite realise that the only cry which will satisfy Mr. James is the cry of "God save the King." We have no objection to that cry.

Mr. PRESIDENT: This is absolutely irrelevant. Mr. James never said so.

Mr. S. C. BOSE: I can quite realise the mental frame of Mr. James and the members of the Calcutta Police which will admit of the only cry——

Mr. PRESIDENT: Order, order. I have already ruled that you cannot raise that point.

Mr. S. C. BOSE: Sir, I can quite realise that if the students were left alone on that day the police would have found to their great annoyance peace in the streets of Calcutta. What was going on that day until the police turned out on the streets? Peace was prevailing everywhere. That was what was witnessed by the people and it was only when

frantic attempts were made and made amongst others by persons who were on the staff of the premier college of the province, namely, the Presidency College, that the police turned out in large numbers. When they arrived on the spot they found the gates of the Hare and Hindu Schools closed and that there was no trouble but, of course, the closing of the gates did not bar the police from jumping into the grounds of the Hare and Hindu Schools. The result was what I have already described.

There is a further fact to which the attention of the House ought to be drawn—and that is the incident that took place at Bhowanipur. My friend Dr. Bidhan Chandra Roy has referred to that incident. That incident at Russa Road took place in the morning between 8 and 8-30. Do we not know that is a statement of fact which has not yet been challenged by Government? Do we not know that the house of the late Sir Asutosh Mukherjee was raided, though it is admitted that there was no trouble inside the house and none of the inmates sought for police help. That occurrence took place in the morning before the students arrived on the scene and, according to Mr. James, exploitation of the students by the leaders began and frantic attempts were made to disturb peace and order.

More wrongs are done in the name of law and order in this world than we can think of.

(At this stage the member having reached the time-limit resumed his seat.)

Mr. S. C. MUKERJI: I have heard with very great attention the speeches delivered by Mr. F. E. James and Dr. Bidhan Chandra Roy—two men for whom I have profound respect and I cannot for one moment entertain the idea of challenging any of the statements made by these two eye-witnesses of what took place on the *hartal* day on the 3rd February. My only regret is that such an eminent lawyer as Mr. Sarat Chandra Bose should deliver a speech which is likely to inflame communal passions and racial hatred. The difficulty of the situation, Sir, is that neither Mr. James nor Dr. Bidhan Chandra Roy, though they were eye-witnesses, can say—and I challenge them to say otherwise—that they witnessed on the 3rd February as to how the trouble began either at College Square or at Russa Road in front of the house of the late lamented Sir Asutosh Mukherjee. I am perfectly certain that none of these two gentlemen can tell this House how the trouble began and who threw the first stone or who took the lead. I do not blame that the students were out that day. I do not blame that there were thousands of sight-seers who were out that day, nor do I blame the police that they were determined to keep peace and order and see that the trams were allowed to run unmolested. When the leaders of the *hartal*

declared that there should be a *hartal* on the 3rd February, they should have known that there would be a tug-of-war between two parties—between those who were determined to see that people were not molested and those that were equally determined to see that the *hartal* was effective and successful. Both were determined to carry out their own objects—the police determined to see that tram-cars were allowed to pass unmolested and the people who were willing to go from one place to another to pass in peace and the other, the supporters of the *hartal*, to see that the *hartal* was a success.

Dr. BIDHAN CHANDRA ROY: May I ask the speaker a question, Mr. Speaker?

Mr. PRESIDENT: A member may rise on a point of order when another member is in possession of the House, but he cannot be allowed to put any question at that stage.

Mr. S. C. MUKERJI: The supporters of the *hartal*, I say, mustered in their hundreds and thousands to make it a success. I have it on the unimpeachable testimony of a lawyer—a member of the Alipore Bar, who came to the Bar Library on the 4th February and in the presence of a few members of the Bar, including one member of this Council, a Swarajist member—the testimony of a man which I cannot challenge—that he was just in front of Chandra Nath Chatterjee's Street where he found that stones were hurdled at tram-cars and tram lines (*Cries of* Name him, name him!) when the police did not do anything. There was another who was just in front of Sir Asutosh Mukherjee's house before Dr. B. C. Roy arrived there. Dr. Bidhan Chandra Roy arrived there at about 8 or 8-30 A.M. and I am giving the events that happened on the testimony of one who was present there at 7 A.M., that stones were hurdled at tram-cars by the crowd. Well, that was the only thing that could be expected when the two parties were determined that day to carry out their objects. And I was also told that there were thousands of people who ran away into Sir Asutosh Mukherjee's house after stoning the tramways (*Cries of* Question, question! it is a lie.).

Dr. BIDHAN CHANDRA ROY: Will the member be allowed to make such statements, Sir?

Mr. PRESIDENT: Dr. Roy, it may be that some of his remarks are not palatable to you, but if you want to contradict them, you can do so when the opportunity comes to you.

Dr. BIDHAN CHANDRA ROY: It is not a question of his remarks being palatable or unpalatable to us, Sir, but they are false.

Mr. PRESIDENT: Order, order. Go on, Mr. Mukerji:

Mr. S. C. MUKERJI: Dr. Bidhan Chandra Roy has spoken of things which he witnessed, but I am speaking of things which occurred before his arrival, namely, that which happened at about 7 in the morning. Stone-throwing began from the early morning, much earlier than the time when Dr. Roy arrived——

5 P.M.

Dr. Roy is speaking of facts which he witnessed; he cannot speak of facts which he did not witness. Sir, stones were hurled in the morning before Dr. Roy arrived on the scene. (Uproar.)

Mr. PRESIDENT: Would the members on this side of the House (the left) act up to my suggestion. If Mr. Mukerji's statements are not correct, and if they want to contradict him, they should seek an opportunity to do so when Mr. Mukerji has resumed his seat and not till then.

Mr. S. C. MUKERJI: Dr. Roy speaks of things he saw. I do not challenge them. I speak of things which happened before he arrived on the scene. I have unimpeachable testimony of lawyers belonging to the Alipore Bar, and these statements were made in the presence of a Swarajist M. L. C.

Babu BEJOY KRISHNA BOSE: The hon'ble member is saying that some Alipore pleaders made those statements in the presence of a Swarajist M. L. C. I challenge him to give the name of the M. L. C.

Mr. S. C. MUKERJI: I am sorry Babu Bejoy Krishna Bose has challenged this. I am ashamed of him and of his conduct that he has the courage to challenge this.

Babu BEJOY KRISHNA BOSE: On a point of personal explanation, Sir. He says he is ashamed of my conduct and he is abusing me. But I am asking him to give the names of the Alipore pleaders, and he has not the courage to mention their names.

Mr. PRESIDENT: You cannot rise on a point of personal explanation at this stage. Mr. Mukerji, you need not take notice of these interruptions.

Mr. S. C. MUKERJI: Thank you, Sir. I am speaking of what happened before Dr. Roy arrived there. I do not hold any brief for the police, nor do I hold any brief for the Government, nor for the

students and the crowd who assembled there. These people mustered there for a tug-of-war I say that the police went there to see that the tram-cars ran unmolested; they were not allowed to do so. You went there to have a trial of strength.

Dr. BIDHAN CHANDRA ROY: On a point of order, Sir. Is he entitled to show his fist to us?

Mr. PRESIDENT: That is a friendly fist, Dr. Roy. (Laughter.)

Mr. S. C. MUKERJI: It is not for you to come here now and say that the police did this and that. (Uproar.)

Mr. PRESIDENT: Order, order. I must again ask the members on this side of the House not to do things which may lower the dignity of the Council.

Mr. S. C. MUKERJI: You invited this tug-of-war, you invited this trial of strength. You sent your Congress workers to see that the *hartal* was effective on the 3rd February. Well, you had the trial of strength. Why do you now come here and lament that the police did this and that, that they treated shabbily the students and the crowd who assembled there. Why don't you take it in a sportsmanlike spirit and leave things as they are. Don't throw the blame on the police. It was a funny day and it was a very funny thing you were doing, and the great *hartal* leaders ought to thank their stars for all that took place on that day. You wanted this, you courted this, you invited this, and you had it with a vengeance. Leave things as they are. (Uproar.)

Khan Bahadur Maulvi AZIZUL HAQUE: At the time when I came to this Council to-day I thought that the proceedings would become so dull and uninteresting that the business of the House would soon come to an end. I congratulate myself and the members of the House for some of the most brilliant performances which we have this afternoon. I now congratulate Mr. James that he saved the situation for the time being, but it seems the onslaught will now come on the broad shoulders of my friend Mr. Mukerji. Sir, I myself will not risk any such procedure and I think discretion is the better part of valour and shall consequently use a certain amount of caution as to what I say. After hearing both sides of the House it seems to me that we are going a little bit astray. I do not think the question as to whether the *hartal* was justified, or as to whether there was a trial of strength or whether the political powers on both sides were out in Calcutta on that day for a trial of strength, which concerns us at the moment. The House is concerned with a token cut on the Presidency Police to protest against certain excesses done by the Calcutta Police. I think we can safely come to a conclusion and express our views on that question without entering into the circumstances or justification of the *hartal* affair. Only the facts

of the last few hours or minutes will show that any such discussion on the question of the justification or otherwise of the *hartal* will bring us into an arena in which you, Sir, the President, will have soon to interfere. As to whether the *hartal* was justified or not is a matter which should be tabooed by us, because this is a question into which we cannot enter. The only question is as to whether the Presidency Police did a certain amount of excesses which has been reported in the newspapers and spoken to on the floor of this House. Sir, I certainly have seen some of the very grave charges in the newspapers and I have heard the repetition of these on the floor of this House and all I can say is that in the interests of the police itself it is desirable that some inquiry should be made as to whether these excesses were committed or not. Even though my friend Mr. Mukerji may be correct in saying that both sides were out for a trial of strength, I think, it would be better, in the interest of the police, to have such an inquiry as to whether the police were out for a trial of strength, or whether they were brought out lest there may be some trouble, and, I think, the Hon'ble Member in charge of law and order will agree with me that it will be in the interest of all concerned to have such an inquiry. My view is that the charge that there was a trial of strength between Government on one side and the Swarajists on the other will, I think, be repudiated both by the Government and the Swarajists. I would only say that some of the allegations made are so serious—I do not say whether they are true or not, because I have no personal knowledge—and as these allegations were made by persons whose unimpeachability is above question, the matter should be inquired into. For instance, the affairs in the Calcutta University and in the Hindu School require investigation. I do not belong to that school of thought who think that the police should not be brought in at all. The police must be there if there is any chance of law and order being broken. I would certainly say that considering the grave allegations that are made against the police force it is in the interests of the police force as well as in the interests of the country as much in the interests of the administration also that such charges should be unpartially inquired into and the public given an opportunity of knowing the results of such an inquiry. It is from this point of view that I look at this discussion, and I think, it is very much to be regretted that my friend Mr. Mukerji has given such a tone to the discussion as would make the members of this House enter into an arena of controversy. At the same time, I think, Mr. James has to a certain extent been misunderstood. He has put forward a certain point of view and we should have a little bit of toleration; I do not say there is no other point of view, but I do say that Mr. James has a right to be heard without interruption as much the other members of the House should also be heard without interruption. This is so far as the Calcutta Police Force is concerned. I am a mufussal man and I have only

one word to say about Calcutta Police, namely, the paucity of Mussalman members in the Calcutta Police. I hope that by bringing in that element I would be able to divert the attention of the Council from the bickerings that have been going on for some time here. As I have been repeatedly saying, we do not approach the question of paucity of Muhammadans in the services from the point of view of sharing the loaves and fishes. The true basis of a *swaraj* is that each community will have full opportunity to realise itself in the principle of self-determination. Taking our stand on that point we think that in the administration of the country there should be a certain percentage of Muhammadans, because they form the bulk of the population. There has always been an attempt to say that qualified Muhammadans are not available, but, I think, we can repudiate this charge that qualified Muhammadans are not available to-day. I do not know what my friend Mr. Travers meant when he said that 100 Muhammadans would be appointed if available. The other day the Hon'ble Mr. Moberly, who I know is very much sympathetic to the Muhammadan point of view, said the principle of Government in the matter of promotion was that such questions should be determined entirely by efficiency. Sir, I may perhaps quote Mr. Ramsay Macdonald in this connection, who said that there are two words on which the Government of the country is based, namely, prestige and efficiency. This word, efficiency, is very vague and, I think, the word can be adapted to suit the requirements of the time. I know the Hon'ble Mr. Moberly is concerned, he has always attempted—I know him not from to-day but for years past—to do justice whenever facts are presented to him; but the difficulty of the Muhammadan community comes in when facts are presented to him in a manner which has the effect of practically shutting out the Muhammadans from certain posts. The Hon'ble Mr. Moberly will remember that when he was Chief Secretary a specific instance was brought to his notice, that when a post in the Calcutta Police was advertised several Muhammadan graduates applied, but ultimately a mere matriculate non-Muhammadan was appointed to the post. The Muhammadan community would not have any grievance if qualified non-Muhammadans are taken in preference to non-qualified Muhammadans. The Hon'ble Mr. Moberly will admit that it is very difficult to give facts; it is difficult to say exactly how the claims of Muhammadans are superseded. But the fact stands that there have been several cases in the Calcutta Police where the claims of the Muhammadans have not been properly looked after and even superseded.

5-15 P.M.

To give one instance. There is a general complaint that there is a paucity of Muhammadans in the higher services—in the grades of Inspectors and Sub-Inspectors. I think it is not very difficult to make

out whether it is so. I do not blame anybody, but what I do say is that Muhammadans in the lower service are treated in a manner in which they do not get their chance to be promoted as Inspectors. I do not blame the Government or the Hon'ble Member in charge. I do not even blame the Commissioner of Police. But I do say that the facts are so precluded that somehow the claims of Muhammadans are ignored on account of the interest of relationships or otherwise. That is the Muhammadan grievance against the Calcutta Police. When the word "efficiency" is put in a matter of Muhammadan claim I have a strew suspicion that there is a substratum of meaning implied in that expression. The Muhammadan community feels it very bitterly. So far as the Presidency Police is concerned, all I say is that it is not possible for me to say whether that force is up to the mark or not. The Calcutta Police are being run at a very high cost. And we members of this Council ought to suggest to the Hon'ble Member in charge to start an inquiry as to what should be an adequate charge for Calcutta. After all, it is never said by anybody that the Calcutta Police are not to be maintained at its proper strength. The difficulty comes in where statistics step in and we find that during the last few years the amount has gone up very much higher. I do not mean that the Calcutta Police should lose its efficiency, but I do say that the Calcutta Police, in comparison with the mufassal Police, is being given too much money. Sir, I am not entering into the details. My criticism is only of the general charge. There is a growing apprehension that the expenditure is growing tremendously high. That is all I have to say. Lastly I may say it is desirable that the discussion should be carried on in a manner in which there should be a little less of personal note and personal rancour.

Mr. K. C. RAY CHAUDHURI: Sir, I am sorry I have to plead my deficiency in not having a powerful voice to shout like my friends on the other side of the House. But I will narrate one or two incidents in connection with the last *hartal*. I have seen them with my own eyes. I was passing along Cornwallis Street in the early morning on that day. I saw groups of people standing here and there on both sides of the footpath and shouting at the passengers who were travelling in tram-cars evidently with the intention of creating a *golmal*. There is a tea shop in one of the corners of Cornwallis Street near Shambazar Tram Depôt and the owner of the shop was serving tea to his customers. Some rowdy people rushed into the shop and stopped him from serving tea. The poor man came on the street and lectured that he was out of employment for a long time. He tried to secure a job in the Calcutta Corporation and begged the Swarajists to help him, he failed. He had now opened this tea shop and they had no right to deprive him of the only means of his livelihood. He appealed to them to let him open the shop, but all was in vain. There were some Congress men in the crowd

who would not on any account allow the man to serve his customers. And this was a sample of peaceful persuasion practised by our patriots! The poor man was heckled, abused and what not? Sir, I often read in the national newspapers about *agent-provocateurs*. I found no sign of their presence or their activities on the *hartal* day. I saw stones were thrown into tram-cars by street urchins. I passed on towards College Street from Shambazar. I found people shouting, hooting and booing right and left and general pandimonium prevailed at important junctions and the whole atmosphere of Calcutta was thick with sensational rumours. I heard that a very sensational thing had happened at the Presidency College and that the Principal had handed over certain students to the police Sergeants who thrashed the boys. I saw some students of the Presidency College late in the evening and they told me that it was all untrue. Wherever I went I found people were being carried away by all sorts of rumours about police excesses and some of them were almost in a panic. I must confess from my experience of handling labour that the last *hartal* was badly stage-managed. If I had a part in the staging I would certainly have achieved better results.

Babu PRABHU DOYAL HIMATSINGKA: Sir, some of the members to-day have given their experience of what happened on the 3rd of February. They have tried to show what the police were doing in order to maintain law and order on the 3rd of February. I will mention one or two instances to show how anxious they were not only on the 3rd of February, but even before the 3rd of February to see that no *hartal* could be observed. A meeting was proposed to be held at the junction of Harrison Road and Pagayapatty on a private plot of land. Permission was obtained to hold the meeting at that place. Some of the *Johukums* who tried to make the *hartal* a failure informed the police that if the meeting was allowed to be held, *hartal* in Barabazar would be complete. As soon as the police were informed, about a hundred Sergeants, constables and Mounted Police arrived on the scene and they surrounded the place and would not allow the meeting to be held there, though permission from the person to whom the land belonged had, I understand, been obtained. The police obstructed the persons who wanted to hold the meeting there. They would not allow them to enter the plot of land. The police were asked to show what authority they had to prevent persons from entering the plot of land. They could show no authority and they said that they had the orders of the Commissioner of Police not to allow the meeting to be held there. The meeting was attempted to be prevented by force. That is the kind of law and order that they were preserving on that day. On the 3rd it seemed that there was going to be a big war. We found a very large number of police going about even before people had left their bed. At about 5 or 5-30 in the morning all the streets and street-corners and

what have been described as "the strategic points" were occupied by the police. That is the kind of arrangement that the police did and I noticed several instances where the police acted in a manner which was certainly not justified by the circumstances.

Mr. L. T. MAGUIRE: I did not intend joining in the debate, but it seems to me very unfortunate that the question of police should always be discussed with such an amount of heat and acrimony. I can well appreciate the members of the other side levelling criticisms and pointing out, as some of the members have done, that the increase of expenditure does not appear to be justified. These are matters of opinion. But why, when we discuss a cut in a department, we should bring in such a lot of acrimony and so cause racial bad feeling passes my understanding. In discussing this question it seems to me we have entirely overlooked all the human elements that must exist in a situation like this. One party in the city had made up its mind to observe a *hartal*. There were other people who were equally strong in their dislike of any such suspension of their lawful activities. People in favour of suspension of activities had organised. I do not for a moment suggest that they organised with any object of causing a disturbance. What I fail to understaod is this: that when the people who were in favour of carrying on their work and were against the suspension of any kind of work are prepared to allow that the people in favour of the *hartal* were prompted by perfectly honest motives, I do not really understand, I say, why the gentlemen opposite would insist on ascribing ulterior motives to the activities of the police and to those people who were out to perform their normal avocation. It seems to me that the whole trouble is due to what happens when two parties of men who are actuated by different motives meet It is really an example of mob psychology. One body of men say we want to stop all the business of the town and we are going to persuade everybody in a perfectly peaceful way by arguing with them——

Adjournment.

The usual hour of adjournment being reached the Council was adjourned till 2-30 P.M. on Tuesday, the 20th March, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 20th March, 1928, at 2-30 P.M.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURY, of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers and 112 nominated and elected members.

DEMANDS FOR GRANTS.

26.—Police.

Mr. L. T. MACUIRE: As I stated yesterday on the day of the *hartal* people came out, I mean those in favour of the *hartal* came out with the best of motives. They came out to persuade people who were not joining in the *hartal*, to join in it. Well persuasion sometimes, as I said yesterday, leads to argument, and argument on a day like that when people are going about with nothing particular to do, leads to a general sort of argument. Crowds collected, naturally there were heated words and after that the necessary consequence violence. The doctrine of *hartal* is absolutely a non-violent one, but unfortunately when you have thousands of people in Calcutta out, though they start out with the best of intentions, they are not all political philosophers. We all know when two parties with opposite ideas meet each other under these conditions and start an argument, there is sure to be trouble. I think that my friends on the opposite side ought to consider the difficult position in which the police were placed. Parties came into conflict with each other; probably one man tried to persuade two or three others to join the *hartal*, they resented the persuasion and there were hot words; the police stepped in immediately; another man standing somewhere else saw the police moving towards the crowd, he came along to find out why the police were interfering and started an argument with the police, and so on from these small beginnings things occurred. I have no personal experience of the *hartal*, but I think when people meet together in a more or less excited state with a grievance, with a feeling that they are suffering an injury, it is not very difficult for them to become active participants in arguments, and I think that is really what happened. The police certainly were

very tired, we have been told that they were out there from 7 in the morning; the young men parading the streets were also tired; tired people are naturally irritable. The police were subjected to insults, the people were in an irritable condition, and I feel sure, there may have been isolated instances of wrong. I would not for a moment suggest that every policeman used just the minimum amount of force to meet the amount of force which he had to combat, but after all they are not machines. They are also human beings, and when a man is in a state of excitement, he cannot use a nice judgment or the minimum amount of force against the man who is up against him, so this *hartal* has brought forth the usual crop of complaints against the police.

With regard to what my friends on the other side of the House have said about the police I want to say that it seems to me that it is very easy to get rid of all this trouble. *Hartal* is a legitimate form of showing your disapproval of a measure which you think is wrong. The principle of *hartal* is peace and quietness, in fact it is a day of mourning. Well, suppose people who are in favour of *hartal* did their very best to preach as strenuously as they liked before the day of the *hartal*, and they found they did not succeed in convincing people a fortnight beforehand that they ought to join in the *hartal*, and should not use the tram-cars, etc., it is not likely that they will be able to convince people on the day of the *hartal*; that seems to me to be the cause of the whole trouble. If you preach your doctrine, preach it as strenuously and convincingly as you can, but on the day of the *hartal*, if the *hartal* is observed in the right spirit, you should stay at home—I hope there will not be a *hartal* before the next police budget—but if the *hartal* is carried out in the proper way, there will be no occasion to talk of police force.

Khan Bahadur Maulvi SYED MAQBUL HUSAIN: Mr. President, Sir, I beg to support the token cut in the Presidency Police Budget in order to draw the attention of the House and of the Government to the paucity of Muhammadan police officers in the higher ranks of the service and also to the inadequacy in the number of Muhammadan Sub-Inspectors and constables in the Presidency Police. There are 15 Deputy Commissioners and Assistant Commissioners in the Calcutta Police, but unfortunately I find there is not a single Muhammadan officer, and there are 56 Inspectors of whom very few are Muhammadans. The number of Muhammadan Sub-Inspectors and constables is also not adequate. Government, in spite of the frequent protestation that they are giving the Muhammadans their adequate share in the administration of the country, are not really giving it. In the past plea of inefficiency and want of proper qualification used to be urged by Government for not giving the Muhammadans their adequate share in the administration of the country. Now I think that plea

does not look good. At present there are a number of Muhammadan graduates wandering hither and thither for want of employment. Moslems come of a virile race and have got a natural aptitude for police service. Had there been adequate number of police officers and constables in the Calcutta Police, riots would have disappeared from Calcutta. The morale of the Calcutta Police should be improved. Their duty is to protect life, liberty and property of the people and not to interfere with them.

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. A. N. Moberly): Am I entitled, Sir, to half an hour for my reply to each motion? There are four motions before the House, and I do not think it is possible for me to deal with them all within half an hour.

Mr. PRESIDENT: The Hon'ble Member will have more time if he requires it.

Dr. BIDHAN CHANDRA ROY: Each one of us only got 15 minutes to move the motions and speak on them. As a matter of fact I could not discuss more than one motion within the time allotted to me. If the Hon'ble Member is going to have half an hour for each motion, then I think you should have allowed me the same privilege.

Mr. PRESIDENT: It does not follow that the Hon'ble Member is going to have half an hour for each motion. I think it is quite reasonable to give him a little more time than what is usual as I have taken several motions together and he has got to meet the various points raised by so many speakers.

The Hon'ble Mr. A. N. MOBERLY: I am sorry that this debate has again taken a communal and racial tinge. Mr. Abdul Karim in order to reinforce his arguments referred to the riots of 1926. Later on in his speech it is true he said that the way for Hindus and Muhammadans to settle their disputes was by mutual agreement. I agree with him entirely, but I do not think that the way to start this mutual settlement is to rake up past incidents. During the riots the police were abused by both communities, and incidents which were brought to notice were inquired into. All the cases which were instituted were investigated and disposed of, and I think that the occurrences of 1926 should now be regarded as a closed book.

Mr. S. C. Bose took another line, not so much with regard to the police, but he tried to fasten the whole responsibility for communal trouble upon the British. I am afraid that I have not been able to verify what he said about the anti-Muhammadan line taken by the British after the Mutiny. But when the Mutiny was mentioned, I can only say that the names which immediately came to my mind

were not Muhammadan names. Mr. Bose did give me a reference as regards another quotation of his, which I think I have seen mentioned several times recently, and as I did not think it was likely that Lord Curzon when he made this speech, had the slightest intention of saying what he is supposed to have said, that is to say, what one is evidently expected to believe that he meant when one sees this quotation placed in juxtaposition with other quotations, I looked it up. The word "exploitation" is used in two senses. The first is that of the development of natural resources, and the second that of taking advantage of people. It follows that the quotation of a phrase containing the word "exploitation" without the context, leaves the matter ambiguous. As I have already said, when I listened to Mr. Bose and when I have seen this quotation about exploitation and administration going hand in hand, the impression has been left on my mind that the intention was to use the word in the second sense, namely, to take advantage of people. If the House will bear with me for a short time I will read part of the speech from which it will be perfectly clear that Lord Curzon was referring to the word "exploitation" in the first sense, namely, the sense of developing the natural resources of the country. The quotation is as follows. I will omit certain sentences which are not relevant: "The bulk of Englishmen here belong either to the Army or to some branch of the Public Service. . . . . But the tea planters of Assam and the south of India, like the teak cutters of Burma, or the indigo planters of Behar, or partners in the other industrial concerns which I have named, come here with different objects, and they work under a different system. Primarily no doubt they come to make a livelihood for themselves or to earn dividends for their shareholders, but secondarily it cannot be forgotten that, if they take some money out of the country, they also bring a great deal in. Where native capital, except perhaps in the case of the Parsees of Bombay, is so very timid and unventuresome, they produce and invest the rupees without which the country can never be developed, they employ and pay many hundreds of thousands of native workmen, and thereby raise the scale of wages, and they exploit the resources of parts of the country which would otherwise remain sterile or forgotten. They are, therefore, bearing their share in the great work of development, which in every sphere of activity, industrial, material and moral is required in order to enable a country to put forth its best and to realise its full measure of productivity or advancement. . . . . I look upon all Englishmen in this country.....as engaged in different branches of the same great undertaking. The fact that some of us earn our livelihood or discharge our duty by the work of administration, and others by cultivating the resources of the soil, does not differentiate us one from the other. These are merely the subdivisions of labour. They are not distinctions of objects, or purpose or aim."

2-45 P.M.

I hope, Sir, that when this quotation appears in future without its context, those at any rate who have heard me this afternoon will remember what the quotation means.

I now come to the question of the number of Muhammadans in the Calcutta Police. I admit that their number is not as large as it might be, or as large as I should like it to be. The reason has been pointed out by some of the previous speakers. The pay of the constables is not sufficient to attract men of the right class belonging to any community. If Muhammadans were coming forward to fill the vacancies we should be only too thankful to take them, but they won't. That is the main reason why I am going to propose next July that the pay of the constables should be increased when perhaps we shall get more Muhammadan recruits. It has been pointed out that there are no Muhammadan Deputy Commissioners or Assistant Commissioners. There are only 6 Hindus; these appointments are filled by promotion and promotion goes directly by what we consider to be merit. I think from a strictly communal point of view my Muhammadan friends will agree that the fact that the majority of Deputy and Assistant Commissioners are not Hindus is at any rate evidence that all this question of relationship and that sort of thing to which he has referred, does not weigh in these promotions. Inspectors are also appointed by promotion, so are Sub-Inspectors to a certain extent. But the Commissioner of Police does appoint Muhammadan Sub-Inspectors direct when he can get suitable men. The Muhammadan members of the Police Standing Committee went and saw the Commissioner of Police and went over to the Police Training School last August, and I think they will bear me out when I say that the Commissioner of Police is entirely sympathetic with their aspirations.

Khan Bahadur Maulvi Azizul Haque mentioned specific instances in which he considered that injustice had been done to Muhammadans in the matter of appointments by promotion. He did not mention any names, but if he will send any information of this sort to the Commissioner of Police, due attention will be paid to it.

So much for the question of the recruitment and appointment of Muhammadans in the Calcutta Police.

I now come to the charges of extravagance and inefficiency. The Police in Bengal are rarely referred to without epithets; two of the most favourite epithets are "pampered and inefficient." Now I should like to know where this pampering comes in. If the Calcutta Police are pampered how is it that we cannot get recruits? You would imagine that these under-worked and overpaid people would be only too glad to stick to their jobs, and that if there were any vacancy we should have numerous applications; that I regret to say is not so. We are told that the constables are living in big buildings. It is

better for discipline to have your force in a certain locality centralised in one large building than scattered in numerous small ones and when we came to replace a number of small unsuitable expensive buildings, we also found that it was more economical to build large buildings than small ones.

As regards the question of kit, does the member really consider that the men who already get insufficient pay, should be made to buy their own kit, as well as having to pay for the washing of it, or would he advocate that the police in Calcutta should have no uniform at all?

Then as regards the question of inefficiency, my friend Babu Bejoy Krishna Bose approached the subject from two opposite ends, though his conclusion was the same in each case. First of all he said that according to the Commissioner of Police the existence of the Goonda Act and the Security Act had produced most satisfactory results so far as reported crime was concerned. His argument therefore was that the force should be reduced. He went on to say that detection was thoroughly bad, therefore the force should be reduced. He quoted some figures. I think his figures really bear an opposite interpretation to that which he placed on them. Between 1922 and 1926 the number of true cases of robbery fell from 122 to 31; true cases of burglary from 1,501 to 638; true cases of theft from 5,654 to 3,240. Now I agree with the Commissioner of Police that these results are largely due to the existence of the Goonda Act and the Security Act which enabled us to get rid of a good many bad characters. That view is supported by the fact that now that the Security Act has expired, and the bad characters are coming back again, crime shows a tendency to increase. But these Acts do not by themselves account for the decrease. The decrease is largely due to intensive patrols. I may mention that the staff of thana constables never get a whole night in bed. Patrol can only be properly enforced if there is adequate supervision. If you merely tell a policeman, a constable, to clear out of the thana and go on patrol and he knows that no one will go after him to see if he is doing his work, you can hardly blame him if he goes into the nearest house and sleeps. You must have supervision if patrol is to be adequate. As regards detection: the figures for riot and murder were certainly very bad. But riot and murder were the unfortunate accompaniments of the Calcutta riots of 1926 which took place in the year from the statistics of which he has quoted. The figures for dacoity are, in my opinion, extraordinarily good. There were 5 dacoities and 4 cases ended in conviction. There was some falling off in the percentage of cases of robbery convicted on the number of true cases, but there has been a progressive increase, a progressive improvement in the percentage of convictions as compared with true cases of burglary, theft and receiving stolen property.

Mr. Bose laid great stress on the figures for the recovery of stolen property. The same thing was done last year, I think, by Rai Harendranath Chaudhuri in connection with the Bengal Police, and I then pointed out that it is rather difficult to judge police work by the property recovered because so much property which is stolen is unidentifiable and so much may be easily converted into a form in which it is unidentifiable, namely, by melting ornaments and utensils down.

Mr. Bose then referred to the golden age when there were Superintendents in Calcutta. The old system of Superintendents was condemned in no uncertain terms by the Police Commission. I have heard a good many people talk about the Superintendent system in Calcutta, but I think that Mr. Bose is the first who has maintained that police work in Calcutta was anything like as good then as it is now.

To hark back a moment, the period for which a state of emergency was declared under the Security Act expired on the 31st December, 1926. I hope that there will be no need to declare a state of emergency again. But the result is that there is now no person against whom orders under the Security Act are in force because orders cannot be passed to remain in force for more than a year, and it is more than a year since the state of emergency expired.

Mr. Sanyal also had a tilt at the Calcutta Police. He complained of the traffic police and the mounted police. He alleged that the traffic police showed partiality to Europeans. How he imagines that the traffic police can distinguish an empty car driven by an Indian which belongs to a European from an empty car driven by an Indian which belongs to an Indian, I do not know. But if any case comes to his notice in which there is any ground for complaint, I hope he will let the Deputy Commissioner in charge of the Motor Vehicles Department, or the Commissioner of Police know about it.

3 P.M.

If the public have complaints against the police and say nothing at all or tell their friends only or write a letter to the press it is not of very much use in the way of reforming the police, but if a report is made to the proper quarter enquiries will be made. The Commissioner of Police and the Government are anxious that the Calcutta Police shall be as efficient and as impartial as possible but the assistance of the public is necessary. The public must help us and not merely criticise anonymously.

As regards the mounted police I made enquiries this morning and was told that the only time that the mounted police were used on the maidan was in 1921 when the "innocent crowd" burnt the stands on the Calcutta Football Club ground. On occasions when large crowds of 10 or 15,000 people gather the mounted police are present as a reserve but on no other occasion have they had to act.

The force in Calcutta is not excessive. The whole force has to turn out in case of emergency and even when the whole force turns out we sometimes have to bring in the Eastern Frontier Rifles in addition. The Eastern Frontier Rifles are not primarily intended for the internal security of Calcutta and if there is trouble in other places besides Calcutta it might not be possible to spare them. If we cut down the police force in Calcutta we shall not be able to make certain of preventing serious disturbances at the time of the big processions.

As regards the cost, allowing for the difference in accounting which the Hon'ble Mr. Marr explained at the beginning, and omitting the extra provision of Rs. 4 lakhs which I have withdrawn for the present the budget for 1928 for the Calcutta Police is about Rs. 30,000 less than the budget for the current year. This, I think, will show that we pay due regard to economy wherever possible. It has been pointed out that there has been a very large increase in expenditure on police between 1913-14 and 1926-27. The expenditure on police, however, during these years only rose from 15 per cent. to 19 per cent. of the total provincial expenditure. In Calcutta the increase was from 2·5 per cent. to 3·5 per cent. I may also point out that the Calcutta Police are not used solely for the suppression of crime and that a very large expenditure is incurred for other purposes also.

The cost of the Arms Act Department comes to about Rs. 70,000 and against that about Rs. 45,000 are recovered in the form of stamps which, of course, are not deducted from police expenditure or credited to police receipts. Similarly, the Motor Vehicles Department costs Rs. 1,07,000 and the cost of traffic police in Calcutta and Howrah which falls upon the Calcutta Police budget comes to Rs. 4,24,000. Therefore about Rs. 5¼ lakhs is spent on the regulation of traffic. Against that the receipts from registration fees and licence fees in the Motor Vehicles Department amount to Rs. 2,32,000, which again is not credited to the police or deducted from the expenditure. Finally, the receipts from the Hackney Carriage Department amount to Rs. 54,000 and the expenditure on that department amounts to Rs. 51,000. I am not saying that all the police employed in all these departments are not utilised for the security of Calcutta in case of an emergency. They are, as I explained just now; but they do normally work in departments from which a considerable amount of revenue is derived.

Then I have heard comparisons made with Bombay. The only line in which a comparison with Bombay may be of use is as regards the cost of living. As regards the way in which the police are employed and the problems with which they have to deal there I am afraid I can say nothing without a special enquiry because it is very unlikely that conditions are exactly the same.

I now come to the question of buildings. As the Council knows, new buildings were constructed with a view to saving money and to

knowing exactly what our commitments were. When the scheme was introduced it was estimated that the cost would be about Rs. 17 lakhs and the saving in rent per annum would be Rs. 1,43,000. That rent was liable to be enhanced and we never knew when it would not be enhanced. It was not always easy to get buildings of the type we require in Calcutta. I have already said that the buildings we had were scattered and very often not suitable. The Finance Department would never have agreed to this loan if they were not satisfied that the proposal was remunerative. Therefore it is not only not extravagant but it is also, as I have said just now, all for the better discipline of the force. I admit that the state of police buildings outside Calcutta is disgraceful. The delay in the loan scheme for the Bengal Police buildings is, however, due to the fact that the type plans have been carefully revised with a view to cheapening the cost, and that has taken a considerable time. I may say here and now that the standard of the Calcutta buildings will not be the standard for Bengal because the force is less concentrated and the buildings will be smaller.

Before leaving this motion I may say that my experience is that all proposals for new schemes in the police budget are most carefully scrutinised both by the Department and by Government, since both of them know how this Council dislikes voting any money for the police, and finally by the Council itself. It is, I think I may say, harder to get a scheme into the police budget than it is into any other.

I now come to the last motion—that which relates to the *hartal*. I should like to begin by stating the attitude of Government towards *hartals* generally. Their attitude is this:

If any person voluntarily wishes to abstain from his private business he is at perfect liberty to do so and the matter is no concern of Government. If any employé decides to stay away from work the question is one between him and his employer and Government are not concerned except in the capacity of an employer where their own servants are concerned.

But if obstruction or intimidation is resorted to to prevent any person from doing or going about his usual business and police aid is invoked the police will protect such person from violence. In particular, if obstruction is offered to public utility or transport services, the police will remove the obstruction. It is also their duty to remove obstructions from public thoroughfares and to protect persons from using such thoroughfares from obstruction or assault. (A VOICE: Very good.)

I maintain that that attitude was followed to the letter on the 3rd February. Before I come to the incidents of that day I desire to say one word in reply to Mr. Himatsingka in connection with the Pagyapatti incident. The owner of the land lodged a complaint in the local

police-station objecting to a meeting being held on his land and when the police got that complaint they had no option but to try and prevent the meeting being held there. (A VOICE: Was the complaint in writing?) It must have been in writing.

Mr. PRESIDENT: Questions should be put through me. The Hon'ble Member should not answer questions which are not put through me.

The Hon'ble Mr. A. N. MOBERLY: I would ask the Council what interest could the police have had in breaking a *hartal*, or in stirring up trouble which caused them 55 casualties. The allegation of my friends on my right really amounts to this that Government deliberately used the police to break up a perfectly peaceful *hartal*. Here I am on firm ground. I was in close touch with the Commissioner of Police and our object was to prevent violence, obstruction or intimidation by anyone; the last thing we wanted was a row, and I should have hoped that the members of this Council knew me well enough to realise that. I know only too well the dangerous consequences that may ensue from any disturbance in this city.

3-15 P.M.

What causes trouble on such occasions is when people try to compel others to conform to their own opinion.

Here I must refer to two points which have been made by previous speakers. The first was the statement that there were machine-guns all over the city. The police are not armed with machine-guns and when the Oxford and the Bucks Light Infantry were called out for a short time to relieve the police, who had then been on duty for 12 hours without rest, they left behind them in the Fort their Lewis guns and their machine-guns at the express request of the police. It is true that armoured cars carry machine-guns, but apart from that there were none at all and I cannot think what the members are referring to.

Dr. BIDHAN CHANDRA ROY: Armoured cars contain machine-guns.

The Hon'ble Mr. A. N. MOBERLY: But you said machine-guns were all over the city.

Dr. BIDHAN CHANDRA ROY: We meant that, we are not experts in military matters.

Babu NALINI RANJAN SARKER: Were there not aeroplanes?

The Hon'ble Mr. A. N. MOBERLY: The next point relates to the numbers on the sergeants and constables:—I am told that someone

mentioned the aeroplanes. Well, the departure of the aeroplanes was decided on long before the *hartal* was announced and it was a mere coincidence that the aeroplanes left on the morning of the 3rd. Of course, I cannot say why the 3rd February was fixed for observing the *hartal*.

Dr. BIDHAN CHANDRA ROY: Because Sir John Simon landed at Bombay on that day.

The Hon'ble Mr. A. N. MOBERLY: I am told that Sundays are much more auspicious days for *hartals*. Anyway, the aeroplanes were not under the control of either the Government of Bengal or the Government of India, they were under the control of the Royal Air Force in England and I am afraid even if they had been told not to go they would not have paid any attention.

Next with regard to the numbers. As soon as I heard the allegations I naturally made enquiries, because police officers are not supposed to go out improperly dressed. I have been told that with the exception of 5 sergeants who were under training in the training school, to whom uniforms had not been issued, but who were called out to assist the regular force, not a sergeant, or a sowar, or a constable went out without his number.

Dr. BIDHAN CHANDRA ROY: I might mention the names of Sergeant Storey Hunt and Sergeant Bullock who were without numbers and I can give incontestable proof that they were without numbers.

The Hon'ble Mr. A. N. MOBERLY: If the hon'ble member gives incontestable proof of this I have no doubt that the Commissioner of Police will take due notice of their conduct. I do not know whether they took off their numbers afterwards. There is no authority for saying that any body authorised them to go without numbers. I think, possibly, that the mistake may be due to the fact that some people who are familiar with the Bengal Police looked for numbers on the breasts of the constables and sergeants. The sergeants and sowars wear their numbers on their collars and the constables on their belts.

Dr. BIDHAN CHANDRA ROY: I can prove that some of the sergeants were without their numbers.

The Hon'ble Mr. A. N. MOBERLY: I would ask my friend to give their names to the Commissioner of Police.

Now, I come to the disturbances themselves. I will begin by stating without comment that the two areas in which there was serious trouble were areas in which the student community is prominent.

Although the streets were crowded in the business areas—in Burrabazar and Harrison Road and places of that kind—there were no disturbances there. Now, first about these *agents provocateurs;* may I be forgiven if I say that some people seem to have *agents provocateurs* on the brain? I have denied again and again that we have ever used them. We have plenty of trouble anyhow without going out of our way to cause it, but the suggestion that we should hire people to throw stones at tramway employés and at the police themselves is about the most amazing piece of imagination I have ever heard. Then who were these *agents provocateurs* supposed to incite? The students? The volunteers? The innocent passers-by? Or whom? We have been told that all these were perfectly peaceful and non-violent. Are we to suppose that stones were only thrown by police hirelings and that the police were responsible for all the damage done to trams and tramway employés in the Russa Road? The idea is ludicrous. I have been told that the trams and buses were deserted and therefore it was not necessary to run them and that it was provocative to assist them to run by putting sergeants on them. No one had to use a tram if he did not want to—it has not been suggested as far as I know that the sergeants touted for fares—but that is no reason why the trams should not run in case any one did want to use them, and there undoubtedly were some such people.

Dr. BIDHAN CHANDRA ROY: I was referring to the tram-cars running between half past eight and half past eleven.

The Hon'ble Mr. A. N. MOBERLY: At any rate there were people who wanted to use the trams but could not. As a matter of fact the service was suspended for one hour.

Dr. BIDHAN CHANDRA ROY: They were not suspended between half past eight and half past eleven.

The Hon'ble Mr. A. N. MOBERLY: The fact that the tramway earnings on that day were not very markedly below the normal shows that in most places the tram-cars were used by the people as usual. If the trams were deserted it is curious that there were any tramway earnings on that day. Brickbats were being hurled at the tram-cars and one gentleman did come to me at Writers' Buildings and complained that he had been struck on the shoulder by a brick as he was trying to enter a tram.

The sergeants were put on to protect the drivers and conductors, but all the same 14 drivers and 16 conductors had to be treated in hospital and one of them had a fractured skull.

Dr. BIDHAN CHANDRA ROY: What about the students who got fractured skulls?

Mr. PRESIDENT: I will not allow questions to be put at this stage.

The Hon'ble Mr. A. N. MOBERLY: When the stone throwing got bad —and how bad it was can be inferred from the fact that out of 52 trams running on the Kalighat route, not one escaped damage—it was necessary to clear the street. When it becomes necessary to clear a street, it is impossible to discriminate between the different members of the crowd or to inquire what each is doing, and I am afraid that inoffensive persons who have got mixed up with the crowd are liable to be dealt with like the rest. This happens everywhere, not only in India, and the best thing for any one to do, who is not engaged in throwing stones, is to get away from the neighbourhood as quickly as possible. It is a matter for regret if anyone who was acting peacefully was hurt, but it is equally a matter for regret that they should have been mixed up with the rioters. I also regret that I have not heard one word of sympathy for the unfortunate tramway employés who got hurt—it is I fear too much to expect any sympathy for the police.

I now come to certain specific cases which have been mentioned in the course of this debate. The first relates to the house of the late Sir Ashutosh Mukherji. As my friend Dr. Roy foreshadowed, I have first of all to deny that Mr. Rama Prosad Mukherji was ever arrested at all. What happened according to the result of an enquiry which was made was this. As regards the alleged assault on an unknown person by a sergeant in front of his house, nobody has complained to the police and we have not been able to find out anything about it. When Mr. Banerji, the Deputy Commissioner of Police, arrived at about 8 A.M. he found a large crowd surrounding a sergeant who had been wounded by a brickbat. The crowd was extremely truculent. The Deputy Commissioner on enquiry ascertained that 3 persons had been arrested for throwing brickbats and for riotous behaviour. He directed that the men should be conducted to the thana, whereupon a large crowd including Mr. Mukherji began to argue with him. The Deputy Commissioner said that it was not the time nor the place for argument, but that they should go to the thana if they had any statement to make.

Rai HARENDRANATH CHAUDHURI: So polite?

The Hon'ble Mr. A. N. MOBERLY: My friend will remember that this was in the middle of a riot. Later on Mr. Bhattacharji saw the Deputy Commissioner and asked him to release Mr. Mukherji and his brothers. Tht Deputy Commissioner at once told Mr. Bhattacharji that they had not been arrested. At his request the Deputy Commissioner went to the thana and told Mr. Mukherji that he was not under arrest and expressed regret that he was under that misapprehension.

Dr. BIDHAN CHANDRA ROY: I wonder if the Hon'ble Member has read Mr. Mukherji's statement.

The Hon'ble Mr. A. N. MOBERLY: I do not remember exactly—so many statements were published.

At that time the thana was being bombarded with brickbats.

Dr. BIDHAN CHANDRA ROY: I contradict this.

The Hon'ble Mr. A. N. MOBERLY: As regards the incidents at 10-30 A.M., the whole area between Dr. Rajendra Road and the Kalighat tram depôt was strewn with brickbats thrown at tram-cars, buses and the police. Tram-cars and buses had been damaged and several drivers, conductors and policemen had been injured. Among the persons who were seen to throw stones was our friend with a green *chadar*. The police spotted him because he had a green *chadar*. He ran into the compound of Sir Ashutosh Mukherji's house. The police waited for him to come out again and after two or three minutes he came out and again threw stones. The police chased him into the compound.

Dr. BIDHAN CHANDRA ROY: How did they miss him?

The Hon'ble Mr. A. N. MOBERLY: They arrested him. They sent up 90 persons all but one of whom were convicted and he must have been included in that 90, but I cannot say which of them he was.

3-30 P.M.

The Police made the arrest with some difficulty because there were other people inside who were trying to prevent them. While this was being done the gate was closed on other Police officers attempting to enter, they were roughly handled and in self-defence they had to use force but they used the minimum amount of force necessary to protect themselves. They at last succeeded in getting the gate open and in bringing out the man who had been arrested, with the police who had arrested him. Apparently it was during this struggle that the servant got hurt.

As regards the suggestion that the trouble in Russa Road was started by sergeants, I may mention that there was no sergeant in that area at first, the reasons being first that no sergeants are attached to Bhowanipur and secondly, that no trouble was anticipated in that area and no special precautions were taken there.

The next case relates to the student who is said to have been singled out for police attention. I made enquiries about this too. The student (whose name came prominently to my notice in another connection) was not known to the police and I have been unable to

ascertain how he was injured. So far as his having received special attention from the police is concerned, the police did not know him at all. On enquiry it was found he was treated in the hospital for a slight injury on the head. Apparently, he received the injury sometime before noon. At this time in the vicinity of the College Square there were a number of officers and men of the Jorasanko thana and a big draft from the Northern section and two drafts from the Southern section consisting of two Deputy Commissioners, Inspectors, sergeants, traffic police and so on. The position of the police in that area was continually changing and a number of charges had to be made to keep the road clear. It is possible that several people received injuries during these charges and it is impossible to find out how and why this particular gentleman received his injuries.

The third point refers to the injury to Babu Ashutosh Bagchi in a crowd between the Darbhanga Building and the University Press. The Registrar of the University wrote to the Commissioner of Police about it (not to Government) and inquiries were made with the result that the Commissioner of Police wrote to him as follows:—

"I have caused inquiries to be made. I regret the delay in replying to your letter, but the information originally furnished was meagre both as to the time of the incident and the rank of the policemen concerned. On the 8th of February I received the statements of Wazir Durwan and Babu Manmatha Nath Singh, Head Despatcher, to the effect that at about 5 P.M., on the 3rd of February, a crowd of young men numbering about 200, rushed into the University compound between the Darbhanga building and the Press. They were followed by 2 Gurkhas and 2 Indian constables, the latter are alleged to have hit the crowd with their *lathis*, while the Gurkhas menaced the crowd without striking any one; a sergeant came a few steps inside the compound.

"On this information is was ascertained from Sergeant Preston that he was on duty at 4-30 P.M. in College Street with the Assistant Commissioner, North Town. At that particular time, College Street, College Square and the steps of the Senate House were thickly crowded with a mob of young men who were endeavouring to stop the traffic on College Street and were attacking with brick-bats, bottles, *lathis*, and other weapons, the police who were on duty in that vicinity. Orders were issued after due warning to clear the area, in doing so the police were assailed with further showers of brick-bats and other missiles from the crowd that had gathered at the steps of the Senate House, which were then cleared. Several of the young men so dispersed ran down Peari Charan Sarkar Street, still hurling brick-bats at the police who were in pursuit. It appears that two constables and two Armed Police of the force, who were pursuing the crowd down Peari Charan Sarkar Street, followed several of the crowd who had

entered the University compound between the Darbhanga building and the Press building. Sergeant-Major Pictoe blew his whistle and re-called the police from the University compound and from Peari Charan Sarkar Street.

I regret very much that the police were forced to enter into the compound of the University whilst engaged in dispersing a hostile crowd, but I think the Vice-Chancellor will agree with me that it was incumbent on the police to deal with the rioters in this area. It must be borne in mind that throughout the whole of the 3rd of February, from early morning until after dark, vehicles passing on in that area were continuously attacked and several police officers who were on duty were seriously injured, on no less than seven occasions police reinforcements had to be sent from Headquarters to deal with the situation which caused great anxiety until a late hour of the evening. In times of civil commotion such as was witnessed in this and other localities in Calcutta on the 3rd of February incidents of this kind are unfortunately inevitable."

The last case is that of the Hindu School. This happened at very much the same time as the one to which I have just referred. There was a seething mob in College Street, brick-bats were being thrown by the crowd indiscriminately and the street had to be cleared. The crowd got into College Square and began to throw brick-bats from there. It became necessary to clear College Square as well and from there the crowd entered the compound of the Hindu School. They threw brick-bats from there and it became necessary to clear that compound also. Some teachers appear to have got injuries, but I am not clear what motive it is suggested that the police could have had for attacking them except as part of the crowd—whether these teachers are supposed to hold advanced opinions or whether they were inculcating those opinions into the minds of the students. I do not think that anybody would want to hurt a man because he was a teacher. It was imperative to clear the compound and it was impossible to ascertain whether anybody in the crowd was a teacher. I may mention that the school authorities do not appear to have made any attempt to prevent the crowd from taking refuge in the school compound and using it as a vantage point from which to attack the police.

That, I think, disposes of all the actual incidents. I can only say that no one regrets more than I do that scenes of violence should have occurred on the 3rd of February but I repeat that the trouble was not sought either by Government or by the police. If persons going about their lawful business are subjected to intimidation, obstruction or violence or if property is wilfully damaged, it is the duty of the police to give protection as best as they can. If members of a crowd resort to such action, it is necessary for the police to deal with the

crowd. I have already said that not only tramway employees and passengers received injuries but that there were many casualties among the police as a whole.

Finally, may I suggest that if any one has complaints, to make against the police he should make them to the Commissioner of Police instead of writing or getting some one else to write to the papers. The Commissioner of Police is always ready to enquire into complaints, but he can hardly be expected to go and look for complainants who do not take trouble to communicate with him. I beg to oppose all the motions.

Mr. PRESIDENT: To avoid any misunderstanding or misapprehension I should mention that motion of Maulvi Tamizuddin Khan relates to the paucity of Muhammadan posts—I mean the mover of the motion Maulvi Abdul Karim brought to the notice of this House yesterday the paucity of Muhammadan appointments.

The motion that the demand of Rs. 31,55,678 under the head "26A.—Presidency Police—Calcutta Police" be reduced by Rs. 100 was then put and a division taken with the following result:—

AYES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Ahamad, Maulvi Kasiruddin.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Ramee Chandra.
Baksh, Maulvi Kader.
Banerjee, Babu Promatha Nath.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jagindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Golam Mawla.
Choudhury, Maulvi Khershed Alam.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gofran, Maulvi Abdul.
Gupta, Mr. Jogesh Chandra.
Haque, Khan Bahadur Maulvi Azizul.
Himatsingka, Babu Prabhu Doyal.
Hoque, Kazi Emdadul.
Hussain, Khan Bahadur Maulvi Syed Maqbul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.
Lala, Babu Saroda Kripa.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Poddar, Mr. Ananda Mahan.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur-.
Rahman, Mr. A. F. M. Abdur-.
Rauf, Maulvi Syed Abdur.
Ray, Babu Radha Gobinda.
Ray, Dr. Kumud Sankar.
Ray, Babu Manmatha Nath.
Ray, Dr. Bidhan Chandra.
Ray, Mr. D. N.
Roy, Mr. Kiran Sankar.
Sarker, Babu Naliniranjan.
Sattar, Khan Sahib Abdus.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Sulaiman, Maulvi Muhammad.
Suhrawardy, Mr. H. S.

NOES.

Abbott, Mr. E. G.
Barton, Mr. J. F.
Casselli, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Cohen, Mr. D. J.
Dey, Mr. S. C.

Bowding, Mr. T. W.	Moberly, the Hon'ble Mr. A. N.
Drummond, Mr. J. G.	Morgan, Mr. G.
Dutt, Mr. G. S.	Mukerji, Mr. S. C.
Eddis, Mr. A. McD.	Nelson, Mr. W. H.
Ghose, Mr. M. C.	Parrott, Mr. P.
Goenka, Rai Bahadur Badridas.	Phelps, Mr. Trevor J.
Guha, Mr. P. N.	Prentice, Mr. W. D. R.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.	Rahman, Mr. A. F.
Hussain, Maulvi Latafat.	Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
James, Mr. F. E.	Ray Chaudhuri, Mr. K. C.
Lindsay, Mr. J. H.	Reid, Mr. R. N.
Luke, Mr. H. R.	Roy, Mr. Bijoy Prasad Singh.
Macartney, Mr. J. G.	Sachse, Mr. F. A.
MacBean, Mr. J. A.	Sarker, Rai Sahib Rebati Mohan.
Macdonald, Mr. A.	Skinner, Mr. S. A.
Maguire, Mr. L. T.	Tate, Major-General Godfrey.
Marr, the Hon'ble Mr. A.	Thompson, Mr. W. H.
McCluskie, Mr. E. T.	Travers, Mr. W. L.
Mitter, the Hon'ble Sir Provash Chunder.	Wordsworth, Mr. W. C.

The Ayes being 54 and the Noes 45, the motion was carried.

Mr. PRESIDENT: I may tell the House that the motions of Babu Bejoy Krishna Bose and Maulvi Abul Kasem were brought yesterday by their respective movers to draw attention to the excessive police expenditure.

The following motions were then put and lost:—

"That the demand of Rs. 39,63,000 under the head '26A.—Presidency Police" be reduced by Rs. 100.

"That the demand of Rs. 39,63,000 under the head '26A.—Presidency Police' be reduced by Rs. 5."

The motion that the demand of Rs. 39,63,000 under the head "26A.—Presidency Police" be reduced by Re. 1 (to draw attention to the action of the Police in connection with the recent *hartal* in Calcutta) was then put and a division taken with the following result:—

AYES.

Acharjya Chaudhuri, Maharaja Shashi Kanta, of Muktagacha, Mymensingh.	Bose, Mr. Subhas Chandra.
Afzal, Maulvi Syed Muhammad.	Chakravarti, Babu Jogindra Chandra.
Ahamad, Maulvi Aoimuddin.	Chakraburtty, Babu Jatindra Nath.
Ahamad, Maulvi Kasiruddin.	Chatterjee, Srijut Bijay Kumar.
Atiquilah, Mr. Syed Md.	Chaudhuri, Rai Harendranath.
Bagchi, Babu Remes Chandra.	Choudhury, Maulvi Golam Mawla.
Baksh, Maulvi Kader.	Choudhury, Maulvi Khorshed Alam.
Banerjea, Dr. Pramathanath.	Dutt, Babu Saral Kumar.
Banerjee, Babu Promotha Nath.	Parequi, Khan Bahadur K.-G. M.
Bannerjee, Babu Jitendralal.	Ganguly, Babu Khagendra Nath.
Basu, Babu Sasi Sekhar.	Ghose, Babu Amarendra Nath.
Basu, Mr. P. C.	Gupta, Mr. Jogesh Chandra.
Biswas, Babu Surendra Nath.	Himatsingka, Babu Prabhu Doyal.
Bose, Babu Bejoy Krishna.	Hoque, Kazi Emdadul.
Bose, Mr. S. C.	Hussain, Khan Bahadur Maulvi Syed Nuquul.
	Karim, Maulvi Abdul.

Khan, Babu Debendra Lal.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.
Lala, Babu Saroda Kripa.
Maiti, Babu Mahendra Nath.
Moitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Poddar, Mr. Ananda Mahan.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur-.
Raikat, Mr. Prosanna Deb.
Rauf, Maulvi Syed Abdur.
Ray, Babu Nagendra Narayan.
Ray, Babu Radha Gobinda.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Sanyal, Babu Sachindra Narayan.
Sarker, Babu Naliniranjan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Solaiman, Maulvi Muhammad.
Suhrawardy, Mr. H. S.

NOES.

Abbott, Mr. E. G.
Barton, Mr. J. F.
Casselis, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Cohen, Mr. D. J.
Dey, Mr. G. G.
Dowding, Mr. T. W.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Eddis, Mr. A. McD.
Ghose, Mr. M. C.
Goenka, Rai Bahadur Badridas.
Gofran, Maulvi Abdul.
Guha, Mr. P. N.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Kasem, Maulvi Abul.
Lindsay, Mr. J. H.
Luke, Mr. N. R.
Macartney, Mr. J. G.
MacBean, Mr. J. A.
Macdonald, Mr. A.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Morgan, Mr. G.
Mukerji, Mr. S. C.
Nelson, Mr. W. H.
Parrott, Mr. P.
Phelps, Mr. Trevor J.
Prentice, Mr. W. D. R.
Rahman, Mr. A. F.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sachse, Mr. F. A.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Skinner, Mr. S. A.
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 59 and the Noes 48, the motion was carried.

The following motions were called but not moved:—

Maulvi SYED ABDUR RAUF: "That the demand of Rs. 1,90,000 under the head '26C.—District Police—Pay of officers' be reduced by Re. 1."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 1,90,000 under the head '26C.—District Executive Force—Salaries' be reduced by Re. 1."

Babu AMARENDRA NATH GHOSE: "That the demand of Rs. 3,00,000 under the head '26C.—District Executive Force—Temporary District Intelligence staff' be refused."

Maulvi SHAMSUR RAHMAN: "That the demand of Rs. 73,68,000 under the head '26C.—District Executive Force—District Police—Total Police Force' be reduced by Re. 1 [on the ground that although the Constables of the Calcutta Police were better paid still their pay has been increased without a proportionate increase in the pay of the Bengal Police Constables]."

Maulvi SYED ABDUR RAUF: "That the demand of Rs. 66,000 under the head '26C.—District Executive Force—Rewards' be refused."

Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 14,80,000 under the head '26C.—District Executive Force—Allowances, honoraria, etc.,' be reduced by Rs. 14,06,000."

Babu AMARENDRA NATH CHOSE: "That the demand of Rs. 8,000 under the head '26C.—District Executive force—rewards to village Panchayets' be reduced by Re. 1."

Babu AKHIL CHANDRA DATTA: "That the demand of Rs. 1,14,30,800 under the head '26C.—District Executive Force' be reduced by Rs. 14,30,800."

Babu AMARENDRA NATH CHOSE: "That the demand of Rs. 1,14,30,800 under the head '26C.—District Executive Force' be reduced by Rs. 100."

Maulvi SYED ABDUR RAUF: "That the demand of Rs. 2,41,000 under the head '26D.—Police Training School' be refused."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 2,41,000 under the head '26D.—Police Training School' be reduced by Re. 1."

Mr. A. K. FAZL-UL-HUQ, Maulvi TAMIZUDDIN KHAN, Babu MANMATHA NATH ROY, and Maulvi SYED ABDUR RAUF: "That the demand of Rs. 3,72,000 under the head '26E.—Special Police—Eastern Frontier Rifles' be refused."

Mr. A. K. FAZL-UL-HUQ: "That the demand of Rs. 3,72,000 under the head '26E.—Special Police—Eastern Frontier Rifles' be reduced by Re. 1."

Babu AMARENDRA NATH CHOSE: "That the demand of Rs. 4,06,390 under the head '26F.—Railway Police—Eastern Bengal Railway Police' be reduced by Re. 1."

Babu ANNIL CHANDRA DATTA: "That the demand of Rs. 3,00,000 under the head '26G.—Criminal Investigation Department—Temporary Force' be refused."

Maulvi SYED ABDUR RAUF: "That the demand of Rs. 1,30,000 under the head '26G.—Criminal Investigation Department—Travelling Allowance' be refused."

Mr. JOGESH CHANDRA GUPTA: I beg to move that the demand of Rs. 1,00,000 under the head "26G.—Criminal Investigation Department—Secret Service Money" be refused.

Sir, in connection with this motion I would like to refer to motion No. 161 "Secret Service money for the Presidency Police." I was trying to find out from the Financial Statement the objects for which this secret service money is provided. . . . . .

Mr. PRESIDENT: The allotted time is up and I must put the motion forthwith.

The time-limit under the head "26.—Police" having reached the following motions were not put:—

Babu RADHA GOBINDA RAY: "That the demand of Rs. 10,33,000 under the head '26G.—Criminal Investigation Department' be reduced by Rs. 3,00,000."

Mr. S. C. BOSE: "That the demand of Rs. 10,33,000 under the head '26G.—Criminal Investigation Department' be reduced by Rs. 100."

Mr. SATISH CHANDRA SEN: "That the demand of Rs. 10,33,000 under the head '26G.—Criminal Investigation Department' be reduced by Rs. 100 (in order to raise a discussion as regards the efficiency and utility of the Department)."

Mr. SATISH CHANDRA SEN: "That the demand of Rs. 10,33,000 under the head '26G.—Criminal Investigation Department' be reduced by Rs. 100 (in order to raise a discussion as to the reason for the non-release of detenus)."

Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 1,80,20,000 under Major head '26.—Police (Reserved)' be reduced by Rs. 90,10,000."

Babu BEJOY KRISHNA BOSE and Babu RADHA GOBINDA RAY: "That the demand of Rs. 1,80,20,000 under the head '26.—Police' be reduced by Rs. 10,00,000."

Mr. A. K. FAZL-UL-HUQ: "That the demand of Rs. 1,80,20,000 under the head '*26.—Police*' be reduced by Re. 1."

4 P.M.

The motion of Mr. Jogesh Chandra Gupta was then put and a division taken with the following result:—

AYES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Bagchi, Babu Romee Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Promotha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Golam Mawla.
Choudhury, Maulvi Khorshed Alam.
Dutt, Babu Saral Kumar.
Farequi, Khan Bahadur K. G. M.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Doyal.
Heque, Kazi Emdadul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan, Khan Sahib Maulvi Muzzam Ali.
Lala, Babu Saroda Kripa.
Maiti, Babu Mahendra Nath.
Moitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Poddar, Mr. Ananda Mohan.
Rahman, Maulvi Azizur.
Rahman Maulvi Shamsur.
Rauf, Maulvi Syed Abdur.
Ray, Babu Radha Gobinda.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Sarker, Babu Naliniranjan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Solaiman, Maulvi Muhammad.

NOES.

Abbott, Mr. E. G.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emadduddin.
Barton, Mr. J. F.
Casselis, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Cohen, Mr. D. J.
Dey, Mr. G. C.
Dowding, Mr. T. W.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Eddis, Mr. A. McD.
Ghose, Mr. M. C.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Haque, Khan Bahadur Maulvi Azizul.
Hesain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Khan, Mr. Razaur Rahman.
Lindsay, Mr. J. H.
Luke, Mr. H. R.
Macartney, Mr. J. G.
MacBean, Mr. J. A.
Macdonald, Mr. A.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Morgan, Mr. G.
Mukerji, Mr. S. C.
Nelson, Mr. W. H.
Parrett, Mr. P.
Phelps, Mr. Trevor J.
Prentice, Mr. W. D. R.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.

Reid, Mr. R. N.	Skinner, Mr. E. A.
Roy, Mr. Bijoy Prasad Singh.	Tate, Major-General Godfrey.
Sachse, Mr. F. A.	Thompson, Mr. W. H.
Sarker, Rai Sahib Rebati Mohan.	Travers, Mr. W. L.
Sattar, Khan Sahib Abdus.	Wordsworth, Mr. W. C.

The Ayes being 47 and the Noes 51, the motion was lost.

Mr. PRESIDENT: The main demand is still open for debate, but time will not permit of discussion, so I shall put the original demand.

The motion that a sum of Rs. 1,76,20,000, as amended in Council, be granted for expenditure under the head "26.—Police," was then put and agreed to.

(At 4-15 P.M. the Council was adjourned and it re-assembled at 4-25 P.M.)

27.—Ports and Pilotage.

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. A. Marr): On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 5,91,000 be granted for expenditure under the head "27.—Ports and Pilotage."

Mr. S. C. BOSE: In the absence of Mr. Naliniranjan Sarker, may I have your permission to move this motion?

Mr. PRESIDENT: Yes, Mr. Bose.

Mr. S. C. BOSE: I move that the demand of Rs. 5,91,000, under the head "27.—Ports and Pilotage (Reserved)" be reduced by Rs. 100.

The object of this motion is to draw the attention of this House to the policy which has consistently been followed by the Calcutta Port Trust in its administration and to criticise the control or rather the want of control by the Government over the affairs of the Calcutta Port Trust. I may remind this House that the Calcutta Port Trust has a revenue of 3 crores and that it handles loans of about 25 crores for capital expenditure. The constitution of the Calcutta Port Trust is this: it has a board of 19 members, of which 7 are *ex-officio* and 6 are elected by the Bengal Chamber of Commerce, thus ensuring a standing majority which is often very useful in matters of administration and, if I may add, of exploitation as well. Of the remaining 6 members, one is elected by the Calcutta Trades Association, one by the Calcutta Corporation and 4 by such bodies as the Local Government may select. The nature and the character of the administration of the Calcutta Port Trust came

up before the Council of State for consideration in 1922. In that year on the 26th January Mr. Pheroze Sethna, as he then was, moved a resolution in the Council of State which was accepted by the Government of India. The resolution was in these terms: "that the Council recommends to the Governor-General in Council that steps be taken to increase the number of Indians in the higher grades of the services of the Port Trust and to lay down a definite policy in regard to the same in future." This resolution was brought forward by Mr. Pheroze Sethna, after he had obtained certain answers from the Government regarding the number of Indians employed by the Port Trust. The answer he obtained in the Council was that so far as posts carrying salaries over Rs. 1,500 and over Rs. 1,000 were concerned, there was no Indian; and so far as posts carrying salaries between Rs. 500 and Rs. 1,000 were concerned, in 1922, there were only 10 Indians. There were 118 posts carrying salaries of Rs. 500 to Rs. 1,000 at that time; out of this, only 10 were Indians. The resolution was accepted by the Government of India, and I shall presently show how that resolution has been systematically flouted from 1922 up to the present day by the Calcutta Port Trust. The position as regards higher posts—I mean posts carrying salaries of Rs. 1,000 and upwards—is just the same—there is no Indian. As regards posts between Rs. 500 and Rs. 1,000, in 1922 the Government of India said there were 10 Indians; at the present moment we find there are only 8. So this is how the resolution of the Government of India has been carried out by the Calcutta Port Trust! In this body, as I have already shown, there is a permanent official or quasi-official majority, and the effect of that is this, that though there are numerous departments under the Port Trust—Traffic, Accounts, Stores, Secretary's departments—there is not a single Indian in any of the departments. Indians have been found competent to occupy the posts of Accountant-General in the Government of India, and even of Finance Member of the Government of India. Indians have been found competent to be Members of His Excellency the Viceroy's Council; but in this august body the rules seems to be this that even to these minor posts they employ as a matter of favour only a few Indians.

Further, I would like to draw the attention of the House to the top-heavy administration. The Chairman of the Trust draws a salary of Rs. 5,000 with house allowances of Rs. 850 a month—a salary higher than that of the Hon'ble Member who passes the Port Trust budget in this House. If you compare the salaries of persons occupying similar positions, for instance, the Agents of the different railways who have certainly much more work to do than the Chairman of the Calcutta Port Trust or the Chief Executive Officer of the Calcutta Corporation, you will find that the salaries are somewhere about Rs. 3,000 a month. Then you will find that the allowances drawn by an officer are more than his grade pay—facts are illuminating! For instance, when you go

through the list of officers employed in the Port, you will find the Port Officer gets a pay of Rs. 900, but what are his allowances ? His staff allowance is Rs. 870, though his grade pay is only Rs. 900.

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His pooling pay is Rs. 200 and his compensatory local allowance is Rs. 150. He gets a motor car allowance of Rs. 100 and in addition to these he has a furnished house set apart for him. I do not know if the " compensatory local allowance " is the compensation given to him for attending to his duties. (Laughter.)

Take for instance next the case of the Engineer. His grade pay is Rs. 650 and what do you think is his allowance ? His staff allowance is Rs. 750 and motor car allowance Rs. 150; he gets Rs. 75 for supervising the R. I. M. contingencies and a special pay in connection with pooling, *viz.*, Rs. 180; he also gets Rs. 150 for supervising launches and as compensatory local allowance, and a house allowance of Rs. 183.

In addition to these facts I wish to draw the attention of the House to another fact which is probably not so well known, and that is that there are about 13 or 14 palatial residences provided somewhere near the banks of the Hooghly fully furnished, even with pianos, so that the officers may have rest after toil, pleasure after pain! And what is the rent that they pay for the enjoyment of these palatial residences? Only ten per cent. of their salaries. So that if an officer gets a salary of Rs. 900, he pays house rent at the rate of Rs. 90 per month and if an officer gets a salary of Rs. 650, he pays house rent at the rate of Rs. 65 per month, whereas these buildings were built at a cost of over one lakh of rupees each and ordinarily their rent ought to be in the region of Rs. 450 or 500 per month. I would not have complained if the Government had been candid enough to tell us that that was the policy they were going to pursue. But why this camouflage? Why this hypocrisy ? Why do you say that you are going to take in more and more Indians in the higher services of the Port Trust ? I can well understand the policy of those members of the British Parliament who said in 1858 " we cannot employ Indians in this country for political reasons." I may remind the House that in the year 1858 a special committee of the British Parliament was appointed to consider the question of the colonisation of India by Europeans, and a member of the committee of the name of Baillie gave evidence before that committee on the 1st of June, 1858. His evidence was this: The question put to him by the select committee was " do you object to natives being appointed to high official situations ? " His answer was " I do. My reasons in both cases are political. I would say that with regard to the appointment of natives to higher situations that I was asked the question when examined before the committee in 1853. I then said I thought they were improving very much and that intellectually I

thought they might be considered qualified for higher situations. I then gave my opinion entirely as a judicial question." In the last sentence he spoke out with a frankness which might well be emulated by the Treasury benches here that he had in the past given his opinion entirely as a judicial question. He then says " Now it is given upon political grounds. I think politically the natives should not be appointed to those high situations." If the Government of India and the Government of Bengal had frankly adhered to the policy about which evidence was given before the select committee of the Parliament in 1858 I for one would not have complained in this House. I and those of my countrymen who think alike would have taken to other courses of action in order to make our demands felt. But apparently Government have realised that frankness is not the way by which exploitation can be carried on and therefore leaving it aside, they declared that they meant to carry out the policy mentioned in the Resolution of 1922—the policy of taking in more and more Indians into the higher services. That policy was laid down in 1922 as I have said and I have already shown to the House as to how that policy has been carried out by the Port Trust in its various branches. I will not say anything more on this question except that I desire to state the position of the members on this side of the House very clearly. We are not objecting to the colonisation of India by any race or nation. We do not object to such colonisation so long as persons come and stay in this country, make it their home and identify themselves with the interests and welfare of this country and share in its weal or woe. But what we do object to is the quasi-colonisation of India by itinerant travellers who come here for a few years, suck the life-blood of the nation and then depart. We do not object to the colonisation by people who are willing to identify themselves with the cause of this country. But we do object to this sort of itinerant colonisation which has gone on and is going on ever since the year 1858.

Now there is another feature of the administration of the Calcutta Port Trust to which I want to draw your attention and in this connection I would read once more the passage which I quoted from memory yesterday, particularly because it was said that I had misquoted Lord Curzon. Lord Curzon addressing the planters at Silchar said " Administration and exploitation when rightly viewed are parts of the same duties in the Government of India " And if any body has carried out not only the letter but also the spirit of that utterance that body is the Calcutta Port Trust, as I shall show presently. That body exists really for the purpose of finding a market for British manufactures, a market for British engineering firms. We know what happens to the tenders which are published from time to time for the purpose of satisfying the incautious and unwary public. We know it for a fact that six representatives of the Bengal Chamber of Commerce and one member of the Calcutta Trades Association are ex-officio members of the Port Trust.

We know that they are there for the purpose of providing a happy market for British manufacturers and manufactures. Now, Sir, as the clock is advancing on me, I would like to mention another aspect of the Port Trust administration. I wish to draw the attention of the House to their budget for 1928-29. Possibly members of this House know that the Calcutta Port Trust in a fit of generosity have published their note to Government regarding their budget. They take great care not to let the public into the secrets of their budget but they have published their note for the purpose of showing that there is a surplus of revenue over expenditure. Now, Sir, if we examine the position for one moment it will be clear to you—and I say so without any fear of contradiction from the Treasury benches—that the surplus of revenue over expenditure is not real. For instance, you find that the huge interest and sinking fund charges on account of the King George's Dock loan has been debited to capital account. That is how a surplus of revenue over expenditure is being shown. May I ask the Treasury benches—what will happen to these huge interest and sinking fund charges when the dock is opened ? Can you debit the charges any longer to capital account ? Clearly, not. Those charges will have to be paid out of revenue and we shall then realise the fallacious nature of the note which has been sent to Government by the Port Trust. There is also the fact—and I again say so without fear of contradiction—that during the last few years the Calcutta Port Trust have found it difficult to meet their obligations from their normal revenue and have had to depend on windfalls such as the appreciation of their securities, etc. In order to balance their revenue and expenditure they have had to resort to this device of debiting the huge interest and sinking fund charges to capital account. The working expenses of the Trust have increased from Rs. 96,00,000 in 1913-14 to Rs. 1,86,00,000 in 1926-27; that is, the expenses have almost doubled, though as a matter of fact tonnage has increased. What better could you expect of a top-heavy administration which does not employ the children of the soil, which does not consider the children of the soil as even competent to occupy modest posts in the Traffic, Accounts and other departments but imports young and inexperienced men from England and gives them high salaries, palatial residences and extravagant allowances ? The result is that the working expenses have increased from Rs. 96,00,000 to Rs. 1,86,00,000 ? Sir, it is with the object of drawing the attention of this House to this expenditure on the most extravagant lines that this motion has been brought forward before this House. I think the facts disclosed by me are sufficient to demonstrate the urgent necessity of an inquiry into the affairs of the Port Trust—an inquiry which is necessary in the interest of the city and also in the interest of its trade and commerce, an inquiry necessary in order to find out whether what is being done in the old, old name of "efficiency" is not extravagance of the worst description, and also to find out as to what is being done under

the cloak of a resolution of the Council of State which was accepted by Government in 1922 is not really a breach of that resolution. I would ask the House therefore to accept the motion I have moved.

4-45 P.M.

Mr. SATISH CHANDRA SEN: I rise to support the motion moved by my friend Mr. Bose and it is not necessary that I should move the one standing in my name.

So long ago as 1922 the Government of India in the Council of state accepted a motion submitted by Sir (then Mr.) Pheroze Sethna for increasing the number of Indians in the higher grade services in the Port Trust. In July last, in reply to an address given by the Indian Chamber of Commerce, Calcutta, His Excellency the Governor of Bengal intimated to the Chamber that the Calcutta Port Trust is in sympathy with the general policy of increasing the number of Indians in their service. How far His Excellency the Governor was misled by information given to him by his advisers is proved by the fact that out of 189 appointments drawing a salary of Rs. 500 and upwards per month only 8, who are drawing in all a salary of Rs. 5,240, are Indians and the rest 181 officers drawing a salary of Rs. 1,81,875 in all are non-Indians.

As a matter of fact in all departments in the Port Trust in which suitable and highly qualified Indians can be got in has been the policy of the Port Trust to exclude Indians and to appoint Europeans with higher emoluments. Only the other day the Indian Commissioners in the Port Trust had to fight hard to get an Indian in the Accounts Department promoted—a bare justice—which I should have thought the European members would have been the first to recognise.

Recently the post of Assistant Accountant under the Port Commissioners fell vacant and although better qualified Indians were found among the applications their applications were rejected and a European with lesser qualification has been appointed and this appointment is now awaiting the sanction of the Government.

In this connection I have to state that Indian Commissioners have already submitted a memorial to the Government and I trust the Government will having regard to its declared policy of employing more Indians, reverse the decision of the Port Commissioners and direct the appointment of the Indian candidate. In this case the sincerity of the declaration of sympathy by the Government will be tested and I trust it will rise to the occasion. The proceedings of the Port Commissioners, a copy of which has been submitted to the Government with a letter from the Indian Commissioners, throw considerable light on the protestation of sympathy with the Indian aspiration that has been voiced from time to time by the European community in this country. The present President of the European Association, not many months ago, declared that his Association was in full sympathy with the Indian

aspirations but the proceedings shew that at least one of the members, and a very influential members of the European community and a representative of the Chamber of Commerce, considered that in accepting the resolution of Sir Pheroze Sethna in 1922 the Government of India had committed a mistake and that an early opportunity should be taken to rectify that mistake.

The question of unemployment in this country, especially in Bengal, is very acute. If the Government is at all sincere in its declaration to Indianise the services it should not lose the present opportunity of appointing an Indian Accountant as the Assistant Accountant.

I now come to the financial position of the Trust. Though with the cessation of the Great War the volume of business in the Calcutta Port Trust, as in all other ports, has decreased, there has been an enormous increase in the pay of officers, etc., resulting in the port charges being raised, so much so that the charges here compare very unfavourably with the charges elsewhere. You have heard Mr. Bose as regards the top heavy administration of the Port. The Chairman here draws a salary of Rs. 6,000 per month, as compared with the Chairman at Bombay, who draws only Rs. 3,000. Not content with drawing princely salaries and enjoying at a modest rent big houses built by the Port Trust for their comfort the European employees have not lost the opportunity of giving effect to the recommendations of the Lee Commission meant for Government officials. The Trust has raised loans amounting to about 27 crores of rupees of which about 9 crores have gone to construct the King George's Docks. The estimates for these Docks have been exceeded by 2 crores of rupees, thus shewing the efficiency of the high officers of the Trust and there are reasons to doubt if the receipts from the Docks will ever cover the interest and sinking fund charges. The way in which estimates are exceeded will be evident from the fact that in the matter of filling up a tank the estimated cost of Rs. 25,000 mounted up to about Rs. 34,000. Till the completion of the work of the Docks the interest is being charged to capital; but what will happen when the interest and the sinking fund charges will have to be met from the revenues derived from the Docks from 1930. So far as I can see the revenues will not be sufficient to cover even the interest, not to speak of the sinking fund charges.

There is another matter, Sir, to which I need draw the attention of this House as a representative of the Bengal National Chamber of Commerce. The question of coastal trade and the difficulties under which it has been conducted has been the subject of various correspondence between the various Indian Chambers of Commerce and the Government of Bengal. In July last the Indian Chamber of Commerce presented a memorial to the Government suggesting reduction in the charges made by the Calcutta Port Trust Commissioners on coastal vessels. The matter has been, I understand, submitted to the Port Commissioners of Calcutta for their consideration but up to now nothing

has been done. It is not necessary for me to deal in detail with this memorial except that the memorialists contended that the charges for port dues, pilot charges, berth hire etc., etc., are too heavy for the coastal trade to survive and that a special reduction should be made not only in these charges but a total exemption should be made from the river duties.

I trust the Government will take immediate steps to consider the memorial submitted and pass orders thereon.

Rai HARENDRANATH CHAUDHURI: I am just going to illustrate how the vagaries of the Port Commissioners were going to cause much inconvenience to the public in the port area. Sir, the Port Commissioners have suddenly found out that the ferry services are not paying and therefore they are going to discontinue or to reduce the services shortly. The Government which pretends to have a soft corner in their hearts for the public utility services during the *hartal* are absolutely unmoved by this contingency. They will not enquire into the matter whether the ferry services are paying or not and why the ferry services have become non-paying of late. The facts and figures at our disposal show that these ferry services were far from non-paying in the past and it was only when non-Indians were appointed on high salaries in connection with them that these services became non-paying. The Government know this and Government knowing this are not taking any steps to enquire into the matter and what is more they are going to non-co-operate with our suggestions for enquiry into the budget of the Port Commissioners and specially their finances so far as the ferry services are concerned.

Mr. H. S. SUHRAWARDY: As there is not sufficient time to make a fuller speech I will only refer to five main heads of my charges against the Port Trust. The first about which Mr. S. C. Bose has spoken, is that there are scarcely any Indian in the superior services. The establishment list shows that while the wages bill of the European officers comes to Rs. 18 lakhs per month, while that of the Indians is Rs. 5,000 only. My next point is that there are no Indians in the department, although they are admittedly capable of handling accounts, and you cannot suggest for one moment that suitable men are not available. My third point for consideration will be that although there is no scheme in the Port Trust for the Indianisation of the technical services the statement was foisted on His Excellency the Governor in his reply to an address presented by the Indian Chamber of Commerce, that there was such a scheme. In my opinion His Excellency might not so be used for such purposes, and it was not right to put inaccurate statements in his mouth. He having made such an utterance, the Government should see that the Port Trust Commissioners do formulate some

such scheme. My fourth point will be that in the scheme for the construction of the King George's Dock the Port Commissioners have shown a sheer want of administrative and financial capacity. They have embarked upon an expenditure without any previous consideration as to what will be the return from the King George's Dock. They do no know whether it will be a paying proposition or not. My last point is that in the River Pilot Service there is not a single Indian, if another body, say manned by Indian had done it, we would have been marked out as unfit for financial responsibilities. The necessary qualifications are 3 years' sea-going service as well as 2 years' probation. This debars Indians from the service as there is no large steamer company which takes Indians for training. So far as the 3 years' sea-going service is concerned it is not essential, as during the war persons who had no sea-going experience were given the duties and did the work satisfactorily. If you think that the period of two years' probation is not sufficient, then increase the term of probation say to three years but do not impose such restrictive qualifications as that of 3 years' sea-going service which debars Indians from entering the service, without any fault of their own.

The Hon'ble Mr. A. MARR: Sir, this demand under the head "27.—Ports and Pilotage" is for Rs. 5,91,000. Details have been given in the budget, and I may mention at the outset that this sum does not contain one single rupee of expenditure in connection with the Calcutta Port Trust. The whole of this grant goes towards the pay of the clerical and other establishments under the Marine Department of Government, and towards the maintenance of the Government launches. As far as the establishment is concerned, it contains the crew establishment of the launches, the clerks in the Port and Shipping Office, Chittagong, the Government Dockyard at Narayanganj, and the establishment of the Agent for Government Consignments. Now, in all this establishment, there is only one European and the others are all Indians. So I may presume that as far as this demand itself is concerned, no complaint lies. The complaint, I take it, lies altogether, against the Calcutta Port Trust and all the speeches up to now have been on these lines.

As regards the Calcutta Port Trust, it is a body of 19 men, elected under section 6 of the Act. These Commissioners are carefully selected by the different bodies concerned, and I personally take it that they are the cream of the business men of Calcutta, both Indian and European. In the case of a body like that, one ordinarily leaves it to them to manage their own affairs. They should know more about the port than either the Government of Bengal or the Government of India. For that reason the Act, in the same way as in the cases of the Improvement Trust and the Corporation, lays down very limited power of control by the local Government and the Government of India over the doings of the Port Trust.

The two main charges that have been brought to-day against this body are extravagance and Indianisation. (A VOICE: Non-Indianisation.) Very well, non-Indianisation. As regards extravagance, I have just got the latest budget figures. For the year before last the surplus has now been found to have increased from Rs. 4·85 lakhs to Rs. 5·60 lakhs: in the year just ending the income has increased from Rs. 302 lakhs, as budgeted for, to Rs. 330 lakhs, an increase of Rs. 28 lakhs. On the other side, the expenditure, chiefly on account of the increase in tonnage, has increased by Rs. 4,15,000. So the year will end with a net increase of over Rs. 23 lakhs over the estimated surplus. I do not think anyone can say that this can be due to bad work by the Port Commissioners. In addition to that surplus, there is a surplus, which has been worked out at Rs. 20 lakhs, on account of the revaluation of the Sinking Fund. The question whether this surplus in the Sinking Fund should be credited to revenue or kept for future adjustment has not yet been decided.

Mr. Bose also mentioned the fact that interest on sinking fund charges are at present being paid from the capital account. That was deliberately allowed by Government during the construction of the King George's Docks. When the Docks are opened and become paying propositions, these sinking fund charges will be paid out of revenue.

Rai Harendranath Chaudhuri mentioned that the ferry services were going to be discontinued, as they were not paying. The matter is under enquiry. It is not due to non-Indianisation as he thought, or to the appointment of highly paid Europeans in the services, but is clearly a question of competition with the motor buses. The matter is now being looked into, but I do not think that the complete stoppage of the ferry services has been contemplated.

5 P.M.

Now the main gravamen of the charges this afternoon is the question of the Indianisation or rather non-Indianisation, as Mr. Bose puts it, of the different services. He also referred to the Sethna resolution of 1922. The position is still as it was at that time. Government are prepared to appoint Indians when they get properly trained men. The position is this: When a vacancy occurs, the first point to be considered is whether there is any person already in the service who is fully qualified and in every way suitable for the appointment. If there is, that person will be appointed, but otherwise steps will be taken to get a suitable person from outside and the Commissioners will consider applications wholly from the point of view of efficiency and will disregard all questions of race. Now, as regards the control of the local Government over this matter, it is laid down clearly in section 34 of the Act that in cases of vacancies under Rs. 1,000 the local Government has no power to interfere. As regards posts above

Rs. 1,000, the local Government can interfere, but vacancies do not occur every day. Mr. Sen referred to the recent case of an Assistant Accountant. As regards that post, the Commissioners sent up a recommendation and the Indian Commissioners sent up a memorial against that recommendation. All I can say at present about this matter is that it is still under consideration and that no orders have yet been passed.

(At this stage the Hon'ble Member having reached the time-limit resumed his seat.)

The motion that the demand of Rs. 5,91,000 under the head "27.—Ports and Pilotage (Reserved)" be reduced by Rs. 100 was then put and a division taken with the following result :—

AYES.

Acharjya Chaudhuri, Maharaja Shashi Kanta, of Muktagacha, Mymensingh.
Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Ahamad, Maulvi Kasiruddin.
Atiquilah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Pramatha Nath.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Golam Mawla.
Chaudhury, Maulvi Khorshed Alam.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Farequi, Khan Bahadur K. G. M.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Babu Satyendra Chandra.
Gafran, Maulvi Abdul.
Guha, Mr. P. N.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Dayal.
Hoque, Kazi Emdadul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Karim, Maulvi Abdul.
Khan, Babu Debendra Lal.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.
Lala, Babu Sareda Kripa.
Maiti, Babu Mahendra Nath.
Maitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Poddar, Mr. Ananda Mahan.
Rahim, Sir Abd-ur-.
Rahman, Mr. A. F. M. Abdur-.
Raikat, Mr. Prosanna Deb.
Rauf, Maulvi Syed Abdur.
Ray, Babu Nagendra Narayan.
Ray, Babu Radha Gobinda.
Ray, Dr. Kumud Sankar.
Ray, Maharaja Jogindra Nath, of Natore.
Roy, Babu Manmatha Nath.
Ray, Dr. Bidhan Chandra.
Ray, Mr. D. N.
Ray, Mr. Kiran Sankar.
Sanyal, Babu Sashindra Narayan.
Sarkar, Babu Naliniranjan.
Sattar, Mr. Abdool Razak Hajee Abdool.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Suhrawardy, Mr. H. S.

NOES.

Abbott, Mr. E. G.
Barton, Mr. J. F.
Casselis, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Cohen, Mr. G. J.
Dey, Mr. G. C.
Dowding, Mr. T. W.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Eddis, Mr. A. McD.
Ghose, Mr. M. C.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
James, Mr. F. E.
Lindsay, Mr. J. H.
Luke, Mr. H. R.

Macartney, Mr. J. G.
MacBean, Mr. J. A.
Macdonald, Mr. A.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Morgan, Mr. G.
Nelson, Mr. W. H.
Parrott, Mr. P.
Phelps, Mr. Trevor J.
Prentice, Mr. W. D. R.
Rahman, Mr. A. F.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sashse, Mr. F. A.
Sarker, Rai Sahib Rebati Mahan.
Skinner, Mr. S. A.
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 61 and the Noes 40, the motion was carried.

The time-limit under the head "27.—Ports and Pilotage" having reached the following motion was not put:—

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 5,91,000 under the head '27.—Ports and Pilotage' be reduced by Re. 1."

The motion that a sum of Rs. 5,91,000, as amended by the Council, be granted for expenditure under the head "27.—Ports and Pilotage" was then put and agreed to.

30.—Scientific Departments.

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. A. Marr): On the recommendation His Excellency the Governor I beg to move that a sum of Rs. 23,000 be granted for expenditure under the head "30.—Scientific Departments."

The motion was put and agreed to.

31.—Education (Reserved).

MEMBER in charge of EUROPEAN EDUCATION (the Hon'ble Mr. A. Marr): On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 12,89,000 be granted for expenditure under the head "31.—Education (Reserved)."

Maulvi ASIMUDDIN AHAMAD: As some of the European members have requested me not to move my motion, I beg to withdraw it.

The following motion was then, by leave of the Council, withdrawn:—

"That the demand of Rs. 3,39,000 for European and Anglo-Indian Education under the head '31A.—Education (Reserved)—Direct grants to non-Government secondary schools' be refused."

Srijut JOGENDRA NATH MOITRA: Sir, in the absence of Babu Akhil Chandra Datta I crave you permission to move the motion that stands against his name, namely, that the demand of Rs. 4,11,000 under the head "31B.—Education (Reserved)—Primary—Direct grants to non-Government primary schools for European and Anglo-Indian Education be reduced by rupee one.

Sir, I had not the intention in the present state of my health to raise my voice to denounce the manner in which the Government has shirked the most essential part of its duty by neglecting the education of the masses. I know from past experience that ours would be, as it always has been, a cry in the wilderness, but still for the further disillusionment of those of our countrymen who are even now inclined to put faith in the sincerity of purpose of our rulers or their chosen henchmen, I intend to make this brief observation.

The very first thing strikes me is the absence of any special grant for the education of the depressed or the backward classes of Bengal. It must be observed that whenever any question of granting of full and complete autonomy to the people arises, the Government to justify their position, points out some of our supposed drawbacks and among them the condition of our depressed classes. This supreme solicitude for the welfare of the depressed classes is, however, absent when any special grant for their education is asked for. In the whole of the Education Budget we do not find any single grant ear-marked for this purpose. On the contrary we find here on the reserved side that the Government could find money to make a special grant of a handsome amount of 4,11,000 rupees for the primary schools intended for Europeans and Anglo-Indians. This liberal grant is meant to be annually spent for a well-to-do community very small in number among whom the percentage of education is more than 75 per cent. On aggregate calculation it will be found that the Bengal Government is spending about Rs. 10 per head for their primary and secondary education. It can be fairly said that these Anglo-Indian and European boys may well receive their education in ordinary school, recognised by Government, along with other Indian students. The poor taxpayers of Bengal should not provide money for maintaining such expensive institution. Sir, the number of depressed classes in Bengal is over ten millions. The standard and percentage of literacy is very low, barely one per cent. The Government can therefore be accused of criminal neglect of duty for not making proper grant on this head. With these few words I beg to move this motion for the acceptance of the House.

5-15 P.M.

Babu PRABHU DOYAL HIMATSINGKA: I beg to support the motion moved by Babu Jogendra Nath Moitra on the ground that it is the duty of Government to do something for the depressed classes.

In Bengal the number of depressed classes is very large and certainly it is one of the duties of Government to do something for them. We have heard times without number Government say that they are the trustees of the people and that Government is doing all that they can for the depressed classes, but in the budget we do not find a single pice set apart for the education of a large section of people who really need education most. It will not do merely to show lip sympathy but what is wanted is that something actual and substantial should be done in this direction.

Mr. L. T. MAGUIRE: I am very pleased to find that the cut that is moved in this grant for European education is not really a cut against the grant, but that it merely draws the attention of the Government to the needs of another class which, this House feels, is in need of education. That being so, I must say that I am perfectly in sympathy with that idea. That all sections of the population of Bengal should receive education is a matter that need scarcely be stressed. Government have not made the provision, my friends on the opposite side want them to make and I feel sure that Government will be able to explain. There is only one point that I would like to bring to the notice of this House and which this House will appreciate and that is this: If the Anglo-Indian community are not educated, and not educated particularly up to the secondary standard, they are scarcely able to earn a living, and if these people are not able to earn a living, they must necessarily become a charge upon the State in one form or another. If you do not pay for them through their education, you will have to pay for them in some other way. I am very glad to find that the cut has for its purpose not an attack upon this grant but to draw the attention of the Government in another direction.

Mr. W. C. WORDSWORTH: Although the speeches in support of this motion have strayed a little from European education, I realise that they represent a persistent and not unnatural annoyance in certain minds that Indian education and European education have become separate subjects in our educational organisation. We cannot, however, alter this by anything that this Council can do—nothing can alter it. This distinction was made far back in the past and it is conditioned also by the outlook for the future. European schools must to a large extent be governed in their outlook by the traditions of the European community since they get their inspiration from that community and also from schools in England. It is not possible, therefore, for us to make any useful comparison between the cost per head of education for Indians and Europeans. All that we can do is year after year to try and get as much provision as possible to help every kind of school, and to support every form of education. In both communities, education and charity are very largely identical.

To the Indian, education is something to which a boy has a right. In the European social organisation, we make a more definite distinction than that, but none the less our European system of education in Bengal is very largely a charitable organisation. Nearly all our schools do very much more than they are paid to do; they do very much more than they have the resources to do, and I know that it is not the desire of any one of this Council to add to their tremendous difficulties. Some years ago, when on behalf of an Executive Member I moved the European education budget from the Government benches, Rai Harendranath Chaudhuri, I think it was, made some very trenchant criticisms but said that he had no objection at all to European children being given as much as the country could afford for their education, but he wished that they as well as the Indian children should have every thing possible, and that is the attitude that this Council has shown ever since it came into existence. Only once a grant for European schools was rejected, and on that occasion two European members thought fit to refrain from voting because they were not satisfied that that particular grant was required. The grant was rejected for want of their votes. That was the only instance in our history in which provision asked for European schools was refused, and I hope there will be no further refusal.

The European schools have their own traditions, but may I remind the House that they are beginning to reconsider their position, and that, thanks to the generosity with which the Calcutta University is treating them and to the special allowance it is making for their difficulties, many of them are coming more into line with Indian education, keeping in close touch with our University. We do not know how this movement will proceed nor do we know what effect it will have upon the organisation of European education. I do not wish to say which action is wiser for our schools. That is for them to decide. They have different points of view—some associating themselves with the University of Cambridge, others with the University of Calcutta; a few have been trying to keep the two loyalties, but whatever happens, it is interesting to remember that this movement is on foot. And may I remind you that our European schools, with the exception of two Government institutions, are maintained by private authority, very largely by the religious communities, to provide education for boys and girls of the domiciled community. Government assists them; they receive with thankfulness whatever grants Government can give, and whatever grants this Council can give, and for the rest they do the best they can, meeting their appalling difficulties with a courage and a devotion for which we are all grateful.

Dr. KUMUD SANKAR RAY: I had no desire to speak on this motion, had it not been for the speech of my friend, Mr. Himatsingka,

in which he says that Government is very solicitous regarding the dumb millions on every possible occasion but when the question of educating these dumb millions comes, Government only shows lip sympathy, and no provision is made in the budget and he further complains that Government is showing inconsistency in this matter. It is this aspect, Sir, that I want to discuss before you. In my opinion I do not think that Government is at all inconsistent in this matter. Government has been always championing the cause of dumb millions, and if they educate these dumb millions then they would no longer be dumb; they would be vocal like this side of the House, the Swarajists, and there would be nobody to champion or welcome the Simon Commission or other Commissions at all that will come in future. So, there is perfect consistency on the part of Government to show sympathy with the dumb millions on every occasion and at the same time not to provide sufficient money for the education of the dumb millions. These are the only observations that I want to make.

SECRETARY to GOVERNMENT, DEPARTMENT of EDUCATION (Mr. J. H. Lindsay): As regards this motion Government are glad to see that this House treats the subject of European education in a generous manner in spite of the fact that the expenditure on European education is greater than that for Indian education. As regards what has fallen from Babu Jogindra Nath Moitra and Babu Prabhu Doyal Himatsingka about the depressed classes, I may say that it is a little difficult to get funds for the depressed classes under the head "European Education." The main bulk of this money for primary education is for what may be called the depressed classes among the Europeans—St. Anthony's School, the Loretto Convent at Entally, St. James' School and the Kalimpong Homes are the typical schools where this money goes. At another time I shall be able to show that Government has of late made certain provision in respect of the depressed classes, but that is under the Transferred side of the budget. Mr. Wordsworth has dealt very fully with the situation and he knows every corner of it and I do not think I need make further reference to his remarks. This is as usual a grant for the poorer classes; it is largely charitable, and I hope that the mover of this motion will not press this cut to a division.

Mr. PRESIDENT: I would tell members that only 20 minutes is left for the disposal of this matter, and this will be given when the Budget next comes up for discussion.

Adjournment.

The Council was then adjourned till 2-30 P.M., on Wednesday, the 21st March, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 21st March, 1928, at 2-30 P.M.

Present:

The Hon'ble the President (RAJA MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers and 120 nominated and elected members.

Starred Question.

(to which oral answer was given).

Teaching staff of the Government Medical College and Schools.

*78. **Mr. Syed Md. ATIQULLAH:** Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state separately in each case the present number of Muhammadans and Hindus in the teaching staff of the Government

(*a*) Medical College;

(*b*) Medical Schools, in Bengal?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Provash Chunder Mitter): A statement is laid on the table.

Statement referred to in the reply to starred question No. 78.

TEACHING STAFF.

Names of institutions	Rank of officers	Number of Hindus.	Number of Muhammadans.
1. Medical College .	I M S . .	1	.
	Assistant Surgeons ..	23	1
2. (*a*) Campbell Medical School .	Ditto ..	9	1
	Sub-Assistant Surgeons	12	.
(*b*) Dacca Medical School ..	Assistant Surgeons ..	10	..
	Sub Assistant Surgeons	8	2
(*c*) Lytton Medical School, Mymensingh ..	Assistant Surgeons ..	3	..
	Sub-Assistant Surgeons	7	..
(*d*) Ronaldshay Medical School, Burdwan	Assistant Surgeons ..	4	..
	Sub-Assistant Surgeons	8	..

Unstarred Questions

(answers to which were laid on the table).

Port of Calcutta, regulation of pay of employees.

79. Babu SATYENDRA CHANDRA GHOSH MAULIK: (*a*) Is the Hon'ble Member in charge of the Marine Department aware that the Commissioners for the Port of Calcutta accepted the Fundamental Rules as the basis for regulating the pay and salaries of their employees?

(*b*) Is it a fact that a circular has been issued by the C.H.M. to the heads of departments that officers officiating in higher posts should not always be allowed to draw the minimum pay of the higher posts as due under the Fundamental Rules?

(*c*) Is it a fact that the circular has been applied only in the case of Indians and that the Europeans have as a rule been exempted from the operations of the circular?

(*d*) Will the Hon'ble Member be pleased to state whether there is any instance where a European was not allowed to draw the minimum pay of the post in which he was officiating?

(*e*) Was the circular which is in direct contravention of the instructions issued by the authorities with the approval of the Commissioners?

(*f*) If so, will the Hon'ble Member be pleased to state the date of the meeting in which the approval was obtained?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) Yes; the Commissioners have adopted the Fundamental Rules with the exception of Fundamental Rule 86.

(*b*) No such circular has been issued.

(*c*) Does not arise.

(*d*) Yes. If the Commissioners consider that an officer is unable to undertake the full duties of the higher post, he is not granted the minimum pay of the post.

(*e*) and (*f*) Do not arise.

Standing Committee on Judicial and Jails.

80. Mr. F. E. JAMES: Will the Hon'ble Member in charge of the Judicial Department be pleased to state how many meetings of the Standing Committee of the Judicial and Jails Departments were held during the past year?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): So far as the Judicial Department is concerned no meeting of the Standing Committee was held during the past year. There was one meeting for the Jails Department.

Babu BEJOY KRISHNA BOSE: Will the Hon'ble Member be pleased to state why no meeting of the Judicial Standing Committee was held during the last year?

The Hon'ble Mr. A. N. MOBERLY: There was no business last year. I may mention that a meeting of the Judicial Standing Committee was called at the beginning of the present year and only one member attended it.

Standing Committee on Public Works (Roads and Buildings).

81. Mr. F. E. JAMES: Will the Hon'ble Minister in charge of the Public Works Department be pleased to state how many meetings of the Standing Committee on Public Works (Roads and Buildings) were held during the past year?

MINISTER in charge of the PUBLIC WORKS DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): No meeting of the Standing Committee was held during the past year.

Babu BEJOY KRISHNA BOSE: Will the Hon'ble Minister be pleased to state why no meeting of the Standing Committee on Public Works was held during the last year?

The Hon'ble Sir PROVASH CHUNDER MITTER: The same answer as that given by the Hon'ble Mr. Moberly.

Irrigation Standing Committee.

82. Mr. F. E. JAMES: Will the Hon'ble Member in charge of the Irrigation Department be pleased to state how many meetings of the Standing Committee of the Irrigation Department were held during the past year?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): None.

Local Self-Government and Medical and Public Health Standing Committees.

83. Mr. F. E. JAMES: Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state how many meetings of the following Standing Committees were held during the past year:

(*i*) Medical and Public Health; and

(*ii*) Local Self-Government?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*i*) None; a meeting was called for 15th March, 1928, but none of the non-official members attended.

(*ii*) None.

Mr. F. E. JAMES: Will the Hon'ble Minister be pleased to state whether it is the intention of Government to use these Standing Committees for the purpose for which they were intended by the Government of India Act?

The Hon'ble Sir PROVASH CHUNDER MITTER: That is a question to ask the Government as a whole, but so far as the Minister in charge of this department is concerned, since he accepted office it has been his policy to call meetings of the Standing Committees, and he has been calling a meeting on every occasion, and Mr. James will find that at the meeting called for the 15th March no non-official member attended.

Babu BEJOY KRISHNA BOSE: Will the Hon'ble Minister be pleased to state why no meeting of the Local Self-Government Standing Committee was called?

The Hon'ble Sir PROVASH CHUNDER MITTER: There is nothing for the Local Self-Government Committee to consider except legislation and up till now no important legislation has been brought forward.

Babu BEJOY KRISHNA BOSE: Will the Hon'ble Minister be pleased to state whether the extension of the provisions of the Calcutta Municipal Act to Howrah regarding the appointment of a Chief Executive Officer is not a matter which could have been considered by the Local Self-Government Committee?

The Hon'ble Sir PROVASH CHUNDER MITTER: It was not a proposal for legislation.

Land Revenue Standing Committee.

84. Mr. F. E. JAMES: Will the Hon'ble Member in charge of the Department of Revenue be pleased to state how many meetings of the Land Revenue Standing Committee were held during the past year?

MEMBER in charge of DEPARTMENT of REVENUE (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): None.

Motions of No-confidence in the Ministers.

Maharaja SHASHI KANTA ACHARJYA CHAUDHURI, of Muktagacha, Mymensingh: Sir, let me first of all clear a misapprehension that may naturally arise from my moving these motions of "No-confidence."

Mr. PRESIDENT (the Hon'ble Raja Manmatha Nath Ray Chaudhuri, of Santosh): Will you please move your motions first?

Maharaja SHASHI KANTA ACHARJYA CHAUDHURI, of Muktagacha, Mymensingh: I beg to move that this Council has no confidence in the Hon'ble Nawab Musharrut Hosain, Khan Bahadur, the Minister for Education.

I also move that this Council has no confidence in the Hon'ble Sir Provash Chunder Mitter, the Minister for Local Self-Government.

Mr. PRESIDENT: I propose to have one discussion on the two motions, but I will put them separately.

Maharaja SHASHI KANTA ACHARJYA CHAUDHURI, of Muktagacha, Mymensingh: I may assure you that my views in regard to the merits of diarchy and my attitude towards it remain unchanged. I hold that as this form of Government has been entrusted to us for a transitional working period we lose nothing by working it though I admit it has defects. It is unnecessary for me to trace the history of the present ministry. Its origin was by no means to our liking. The agitation against the old ministry was based on a number of irrelevant and misleading issues that swept the country from end to end and succumbed to a combination of many unfortunate circumstances which are well known to the members of this House. In order to prevent members drifting into communal parties unsympathetic with each other and into parties incapable of a joint policy

the union party was formed composed of some Hindus and Muhammadans whose main objects were to purify public life and bring about that concord and harmony between them which is essential for the welfare of Bengal. It is the weak party with a constant danger to the life of the ministry that demoralises its members and makes the ministry unfit for any solid work. The party felt that if both Hindus and Muhammadans could sit together round one table, in one group, and make genuine endeavours to understand the different view-points of each other, and discuss matters, appreciate and sympathise with their respective difficulties, evolve a common policy and programme, justice would be done to the national cause as well as to each community. With ideas such as these we grew into a party that compared well in strength with the Swaraj party. We so ardently believe in our cause that we had no hesitation in affirming that we would not be able to support a ministry not formed from our party. The new ministry was formed by Government from parties quite alien to one another. Ministers were chosen who had or seemed to have a following and no consideration was made whether they had anything in common with each other nor did they come with any definite policy. Bengal politics being as it is the appointments of Ministers outside our party led to a gradual desertion of our party. We expected but little else. We are confident that ours are the right principles and must triumph. We here and now extend our invitation to all who believe in our principles to join our party and make its working a success. It has been suggested to us that no new ministry will be formed, and if it should come to pass as such we are content but we do not see eye to eye with it. Further we should like to make it clear that our opposition to this ministry is in no way personal nor due to personal ambitions and we deny that the Ministers are the victims of intrigues or personal malice. It is only political principles that can raise or overhelm ministers. Let it be clearly understood that we are no wreckers of the constitution but on the other hand our political principles if put into practice will make the constitution quite a success. Hence we are unable to support the ministry as we find that it conflicts with our principles and we have no other alternative but to move the motions before the House.

Babu BEJOY KRISHNA BOSE: Sir, "A man with a conviction," says John Stuart Mill in his essay on 'Representative Government,' "is equal to ninety-nine without one." We congressmen know what we are about; we stick to our ideals with resolute tenacity of purpose, with a faith, a fervour and an enthusiasm which does not belong to the things of the world. We do not believe in diarchy and forty of us on this side of the House are equal to forty multiplied by ninety-nine on the opposite side.

2-45 P.M.

Sir, we have a glimpse of liberty. Like Moses of old from the heights of Singi, we have a glimpse of the promised land, a foretaste of that priceless treasure of political rights and liberties which we are determined to obtain and leave as the destined heritage of those who will come after us. We therefore refuse to be deluded by those guilded political lollipops thrown at us in the shape of Reforms, for we believe in our heart of hearts they are meant to perpetuate the reign of a barren and sterilizing alien bureaucracy over a race, rich in its glorious traditions, imbued with ideals which no foreign nation can sympathise with and consequently crushed by a domination from which it is struggling to be free. Actuated by these ideals we have four or five times during the last four years succeeded, in the floor of this House, in leading to victory motions of a similar nature, either refusing total grants for salaries of Ministers or expressing want of confidence in them. We believe that diarchy even as a transitional measure is unworkable and can bring no real or substantial good either to the classes or the masses. Diarchy, though so many times vanquished, still rears its head in this land of Umichand. Prostrated, baffled, defeated, yet over the trail of blood and the hecatomb of mangled bodies, the car of ministry, like the fabled Car of Juggernath, rolls on, breaking the bones and crushing the manhood of a race enfeebled by disease, famished by want of food, yet groaning under a system of top-heavy administration. Propped by the sunburnt white officials and non-officials and the nominated few, Ministers have not the support of the vast majority of elected members. The system of administration, as it obtained in the prereform days, goes on merrily under the directions and leading strings of white bureaucrats, no matter whether a black or a brown bureaucrat is temporarily placed nominally in charge of some departments. Valiant men are found coming forward to accept office for a few months, forsooth, on the plea that some good may be done through the working of diarchy—good no doubt to them, their so-called followers and henchmen. They rose in the political firmament like rockets but fell like stones. Mr. Ranganathan Mudalier, the Minister at Madras, who has just resigned over the trouble about co-operation with the Simon Commission, said the other day in the Madras Legislative Council: "It is better that diarchy should go than those administering it and those entrusted with the duty and privilege of representing the views of the Council should in reality misrepresent them."

Do our present Ministers represent the views of the country about the Simon Commission. All efforts to get a pronouncement from them of their views have failed. "Hush, hush" is their policy. "Tell it not in Gath, proclaim it not in Askelon lest the daughters of the Philistines may rejoice"—that is their motto. But the country

knows their views and they should not be allowed to misrepresent the country. On that one ground alone they ought to go. Sir Provash Chunder Mitter is a Liberal. So are Sir T. B. Sapru, Sir Sivswamy Iyer, Sir C. Sitalvad, Sir Ali Imam, the Raja of Mahmmudabad, Sir Deva Prosad Sarbadhikari, Messrs. C. Y. Chintamoni, H. N. Kunzru, J. N. Basu only to name a few. At the annual session of the National Liberal Federation in Bombay, in December last, the Federation decided not to have anything to do with the Commission in any shape or form. Being a true liberal—the pure and undefiled—is Sir Provash willing to abide by the decision of his own party or intends to separate from the party and co-operate with the Commission. Let him give a plain unambiguous answer to a plain question.

Last week I had quoted from his speech about his views in 1924 of a Minister whose party is not in a majority. "Self-respect demands his resignation." Those are his own words. Three years afterwards in January, 1927, he repeated that it was unworkable, and he said he would be a Minister if he had 30 men of his community at his back. About the time he was appointed Minister, those members of his community who hitherto belonged to his party seceded and formed the Union Party. Sir Provash is therefore the leader of a party of five or six members of his own community in this House. If he still wants to believe that supported by these five or six and the Europeans he is a popular Minister responsible to the people then his ideas of responsibility must have undergone a curious change. When the President of the Muddiman Committee asked him in examination how was it that the Guznavi-Fuzlal Huq Ministry had no following when 66 voted for it and 68 against—he explained that of the 66 only 22 were elected members and 44 were officials and nominated. Now Sir Provash cannot even claim half of that number of elected members on his side.

Let me now turn to his great colleague—the Hon'ble Nawab Musharruf Hosain, Khan Bahadur of Jalpaiguri. Behold, there he sits in his majesty on a tottering three legged throne—a great authority on Education, Excise and Registration. He was instrumental not only by his vote, but by his other great endeavours, to throw out of office the last ministry—an event which he celebrated by a public dinner at Pelitti's. Shortly after that he goes up to Darjeeling and quietly gets himself appointed a Minister. Ministry at any cost, never mind whatever may be the cost to retain it, and in any shape and form, even though the Education portfolio is thrust upon him, education about which he understands as much as I possibly do, and which he got a little in his younger days and never cultivated since then. Suppose, Sir, I am appointed to-day by the benign Government, the Principal of the Shibpur Engineering College. If I have any grain of common sense in me I will cry—"Call back your charity, spare me the shame and the ridicule." In no country in the world

was ever a man, engaged in the plantations—tea, coffee, rubber or whatever it is—seen posing himself as an expert on Education. But it is said lunar influences on human beings sometimes create wonders; for has not the poet sang about a politician in England—

"In the course of a single moon,
He turned a chemist, statesman, fiddler and buffoon."

Nawab Musharruf Hosain was present at a public meeting of the Mussalman community held on 23rd January, 1927, and the second resolution passed ran to the following effect:—

"This meeting further demands that the Moslem members of the Bengal Legislative Council should refuse to work with Mr. B. Chakravarti and Sir Provash Mitter as Ministers, because it would be against the dignity and vital interests of the Mussalmans."

Dignity indeed! Vital interests cast to the winds, and dignity forgotten when the sweets of office began to lure the Nawab Saheb. Where was the dignity when the Nawab cut such a sorry figure during question time. Where was the dignity when the vital interests of education were forgotten, when on 3rd February, 1928, policemen with batons trespassed into educational institutions and belaboured teachers and students alike.

On the 25th September last Mr. A. K. Fazl-ul Huq and other Muhammadan leaders—I am glad that Mr. Fazl-ul Huq has to-day come to this Council and I hope he will adhere to his opinions expressed before, because Mr. Fazl-ul Huq is always very slippery—issued a statement in which they declared—

"We feel that Nawab Musharrut Hosain has agreed to accept office as a Minister in utter disregard of Muslim views and sentiments, and we appeal to the people of Bengal, and members of the Council in particular, to give real and effective expression to the views of the Moslem community regarding the formation of a ministry in Bengal under the present circumstances."

I have always looked upon Muhammadans as brothers and comrades in arms fighting together for the uplift of the common motherland. I join in this appeal of Mr. Fazl-ul-Huq and others and ask my Moslem colleagues in this Council to give real and effective expression to the views of the Moslem community without fear or favour. The Moslem members must have noticed that only yesterday when they demanded more employment in the Police service—the Nawab voted against it and went to the "No" lobby.

I wonder at the originality of the views of the Nawab Musharruf Hosain. Explaining the attitude of Government with regard to total prohibition, this Minister of Excise deplored, on the 12th instant last, that unfortunately Bengal was not a Muhammadan province. He said there are "Hindus, Europeans and the aborigines like the Santhals who drink intoxicants and therefore the Excise Department must function." I do not know whether the Europeans felt flattered by being sandwiched between mild Hindus and wild Aborigines. The Nawab must have got his inspiration from an advertisement that appeared some years ago in the columns of the London *Daily News* which announced a great show going to be held at the Crystal Palace—"a show of dogs, monkeys and Indians." A Minister, who lays down such a policy backed by so cogent and convincing a reason, must be a wonderful Minister indeed.

Can the transferred departments be satisfactorily administered with the support of official votes. Suppose the Ministers have a fair majority, of what does that majority consist? Nineteen officials, 9 nominated, 18 Europeans and Anglo-Indians, make 46 in a House of 139 members excluding the Hon'ble President. Of the remaining 93 members 43 are Congress members—leaving a balance of 50 members who are Muhammadans and members of the Union Party. Two members out of the 50 cannot sit here because of judgments of courts passed against them. Out of the 48, sixteen belong to the Union Party who are not supporters of the Ministers. It comes to this therefore that out of 93 members Ministers can think of counting upon 32 members for support. To-day's vote will decide how many of these 32 are supporters of the Ministers, for I know at least twenty of them who follow Sir Abd-ur-Rahim are not. So if in 1924 the Ministers had only 22 elected members behind them—to-day Sir Provash has not more than 12 elected members to support him. If in the administration of transferred departments Ministers have to depend upon official and European support—this is the very negation of self-government—a sight not at all "edifying" as the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri had said.

(At this stage the member reached the time-limit and was allowed two minutes to conclude his speech.)

We want to end this state of things—this state of irresponsibility masquerading under the terms "Responsible Government." All Ministers must go whether they are A. B. C. or D. Diarchy must be buried fifty fathoms deep. The new epoch which will mark the birth of an emancipated people must be ushered not through diarchy, not through a debased and demoralised system, but must derive its sustaining breath from the vitalising springs of popular liberty and absolute autonomy. The continuance of diarchy is morally wrong, economically disastrous and politically inexpedient and unsound.

Sir, as I began with a quotation from John Stuart Mill let me finish by another quotation from his self same book. He lays down three conditions for self-government, call it Swaraj if you will. They are—

(1) That the people for whom the form of government is intended should be willing to accept it. (It is clear we do not want dyarchy.)

(2) That they must be willing and able to do what is necessary to keep it standing. (We are determined to keep it lying low.)

(3) That they must be willing and able to do what it requires of them to enable it to fulfil its purpose. (We are determined to kill it every time it rears its head.)

Therefore we have not got self-government through dyarchical form of Reforms.

Sir, nations are not born, they are made. We cannot be made a nation by fiats from the Imperial Parliament nor by reports of Royal Commissions. In our own hands lies our future destiny. I do not know what will be the result of these two motions. There is no royal road to freedom. If we meet with reverses, that will not discourage us—for reverses would only stiffen our backs. We do not despair—for despair is the keynote of failure. The hand of invisible time is perpetually marking its progress on the dial of our country's destiny. That destiny will be as we will make it. Many of us will not enter Canaan —some choice spirits have seen the vision. Many will fall in the Grand March. But we are determined that those who will come after us will be the inheritors of a glorious heritage—a heritage of an emancipated people enjoying the blessings of a free and federated motherland.

Mr. W. L. TRAVERS: Sir, I want to-day to make the policy of the British group, the policy on which it acts at present and the possible policy on which it may act in future, quite clear to the members of the Council. Now, in the last Council we had a small majority who stood for diarchy and for a trial of the constitution. We have always up to the present conceived it to be our duty to do our utmost to allow that constitution to function in this province. Hence we have always done our utmost to support the Ministers by vote and by speech, though with the latter we have always tried our best to be courteous to our political opponents and to avoid personalities. This policy we have continued until the present moment. We support the present Ministers, and we shall vote for them solidly on this occasion. We do so for two reasons, first of all because the largest party on the opposite side of the House is attacking once more the constitution. The second reason is that we

have confidence in the Ministers themselves as being eager and anxious to forward measures for the benefit of the people. We believe, moreover, that social reform by Ministers, and by these Ministers, is the best method of advancement at the present time. But, Sir, it seems to us now that an entirely new situation has arisen in this Council. There is at the present moment a very considerable majority in favour of the functioning of the constitution as was proved by the voting the other day, but for various reasons that majority is ineffective and inoperative.

3 P.M.

It is not our buisness, nor is it our desire to investigate or examine very closely what these reasons are, but briefly it may be said that owing to personal disagreements, personal quarrels, between certain leaders of the pro-constitution groups those two parties have split up into factions and these factions are now fighting against one another. Moreover, Sir, it seems to us that this faction fight may prevail as against the fight for the constitution itself for the constitution is left aside as being of less importance. We have, therefore, been led to examine our policy once more for two cardinal points of our policy are affected—first the defence of the constitution itself, and secondly the stability of the administration. Sir, last year a ministry came and went away and there is a possibility—we hope it will not be so, and we believe it will not be so—of a defeat of the present ministry to-day. Sir, I have therefore, to repeat what I said last August that my party cannot any longer take part in a game of political skittles. We are quite tired of the intrigue that has been going on, with the groups shifting and changing like the sands of the seashore—a political kaleidoscope.

We have therefore decided that, much as we desire that the constitution should function in Bengal, if the vote of want of confidence should succeed, we shall not be able to offer our support to another set of ministers who might be nominated by His Excellency, so long as the present situation prevails in this Council We have taken this step after serious consideration. We consider that this frequent ebb and flow and attack upon Ministers, and with frequent transfer of departments, are doing great harm to the province. Above all, we earnestly desire progress in the health-giving and wealth-bringing departments, and we can see no hope of that progress unless there are Ministers here with a stable and sufficient majority behind them or unless indeed that change of heart and definite change of policy should come at last amongst our political opponents. Sir, we shall doubtless be charged with inconsistency but I hold that we are not inconsistent—we are in favour of the efficient functioning of the constitution. Sir, although we have made this determination we are quite sure on this side that the vote of no-confidence will be defeated and that the Ministers will indeed have their

opportunity to serve Bengal. We are looking forward to the improvements in water-supply, in health and in agriculture which they have promised to bring. We are not here to criticise the motives of our political comrades in this Council for after all whatever may be our political opinion we consider them to be comrades; we are all here for the purpose of serving Bengal. Sir, I do ask those who were returned to the Council to give diarchy an opportunity to function—I do ask them to consider the position and to look to the broader issues of the question leaving aside personalities and to vote against the motions of no-confidence to-day.

Kazi EMDADUL HOQUE: The devil of ministry has again come to torment us. He has been moving round and round this distinguished House ever since the inauguration of the dual system of government. This mischievous spirit has already beguiled and caught into the trap quite a good number. In the life-time of the present Council, he first sat on the shoulders of two of us and alighting from there he again ascended the shoulders of two others. One of these has had a second attack; the other is a victim for the first time but his fit is none the less severe. They are in need of a good exorciser. Fortunately for them there are a good many in this House who have volunteered their services to free them from the influences of the evil spirit by some mystic formula which will soon be left with the teller of the Aye lobby to be communicated to the guardian of the House for proper application.

Now our position, I mean the position of the Swaraj Party with regard to the vexed question of ministry is only too well known to this House and has been proclaimed from housetops times without number and needs no reiteration. We are out to extirpate the charming institution of ministry and we can know no peace until we can achieve our end by making the imperialistic Government mend its ways so as to correspond to the wishes of the Indian National Congress, which is the voice of the country as a whole.

Sir, we on this side of the House have no predilection for ministership and we do not choose between Ministers but we want that that ministry, the veritable apple of discord, the cleavage-making demon, the chief impediment to the growth of Indian nationalism, should be tabooed.

Now while taking part in the motion of no-confidence in Ministers I do not mean to convey that the present ministers lack the talents that are required of them to discharge the function of their ministerial government but what I mean is that these Ministers, however able and efficient they may be, are only the betrayers of their mother country and as such are unworthy to hold the trust which her peoples can repose in them.

The chance has once more come to us to serve our mother country and if we sincerely desire her salvation then let us put aside our internecine quarrels, rally round one banner, the banner of the Indian National Congress, present a united front to the Government and proclaim to the world Lo! the non co-operation movement is on its onward march and is on a sure road to success.

Mr. BIJOY PRASAD SINGH ROY: Sir, I have listened with attention—I may say with respectful attention—to what has fallen from my esteemed friend, the Maharaja of Mymensingh. Sir, I must confess that it is not without some difidence that I rise to oppose these motions, which have been moved by one for whom I have got the greatest respect and which I am afraid, Sir, has already been assured of a fairly powerful support in this House. I would not have ventured to raise my feeble voice against these motions if I were not fully convinced of the justness of my cause, of the very unreasonable attitude of the supporters of these motions and of their utter futility as political tactics. I am extremely sorry that this proposal which is born of hate, personal animosity and of jealousy, should find as its chief spokesman one of the leading noblemen of the province. As regards their supporters, specially my friend, Babu Bijoy Krishna Bose, the less said about him the better. I may say, Sir, that I have got very little faith in his political principle, inconsistent always as he is. His performances are well known to my friends of the Bengal Secretariat as well as to some of the leading noblemen of the province. I am extremely sorry that my esteemed friend and leader, the Maharajadhiraja Bahadur of Burdwan, is not here to-day to bear me out. As regards the sincerety of purpose of my friend, Babu Bejoy Krishna Bose, it is too well known to need any explanation. So I do not propose to take very serious notice of him. After last Friday's voting on the Ministers' salary I think it cannot be denied that Bengal now stands committed to work diarchy. Out of the 80 hon'ble members who voted against the motion of Babu Akhil Chandra Datta, 54 were elected; they were as much representatives of the people as my friends on the other side of the House. After that it is idle to contend that diarchy must go. Have the supporters of diarchy diminished or increased during the last two years. My friends must admit that the supporters of diarchy are now in the majority and the wrecking policy of my friends has failed and most hopelessly. The only result of this policy of wrecking the constitution has been to exhaust even the stupendous energy of the Swaraj Party—whose energy, ability and self-sacrificing spirit could have been most profitably utilised in the interest of the nation in ennobling the public life of Bengal.

Sir, the present Ministers stand for two great schemes, *viz.*, rural water-supply and free primary education in Bengal. Sir, it is for the House to weigh the balance of gain—it is for the House to decide whether

it prefers to accept metaphysical victory to a tangible benefit; weak and irresolute as I am I cannot make up my mind to sacrifice a great benefit to the nation to the millennium which we are assured will dawn on Bengal to-morrow if the Ministers can be removed to-day or to admittedly futile political tactics. My friends on the other side owe their allegiance to the Congress: But what of their unholy alliance with the political self-seekers who have no other object in view other than self-aggrandisement? Those gentlemen I would venture to describe as a band of political adventurers. I must say that it is not at all consistent with the great principle of the Congress to which we all must bow down. It is derogatory to the dignity and self-respect of its individual members.

2-15 P.M.

Sir, I want to appeal to my friends in this House, I mean the members of the Union Party, all of whom are men of very high lineage, with great stakes in the country, men of considerable education and culture—I want to appeal to them through you, Sir, not to lend their voice to this chorus singing the hymn of hate. I appeal to them to keep themselves away from the persons diffusing the foam of personal animosity. I can assure them that as soon as their object will be fulfilled, they will forget everything about unity and purity of public life and again wallow in the quagmire of bribery and corruption.

The Hon'ble Mr. A. N. MOBERLY: As far as I was able to understand the mover of these motions, his object in moving them, I may say his sole object, was that the present Ministers might be replaced by Ministers from the Union Party. (Question!) I stand open to correction. He said that there was nothing personal in the motions, that he was merely asserting a political principle and, as far as I could understand, that political principle was that these Ministers should be turned out and fresh Ministers should be appointed from his party.

A subsequent speaker has also said that he has nothing to say against the present Ministers and that they do not lack talents. Another speaker however alleged that the Hon'ble Nawab Saheb is ignorant of education. All I can say on that subjects is, why not give the Nawab Saheb a little peace so that he can learn something about it. We all know that he is an extremely successful man of business who has made lots of money which all of us would be very glad to earn. Such Indian business men are not too common in Bengal and if we can induce a business man to take on a business of this sort he should be given every opportunity and every encouragement to run it on business lines. I said the other day that these Ministers had not had a fair chance of making good. From the time they came into office they have been under the shadow of a motion of no-confidence; it has come at last and I expect that they are extremely

relieved that it has come. But the trouble is that even if they get over these motions there is absolutely no reason why another one should not be brought on the first day of the next session. At any rate I hope that by that time they will have had more time to show what they can do.

As very little stress has been laid on their capacity I need not perhaps deal very much further with this part of the subject. I need only say that His Excellency has had no reason to doubt their capacity and when he has, the remedy lies in his own hands without assistance from the Council. (Hear, Hear!).

Babu JITENDRALAL BANNERJEE: Is the Hon'ble Member in order in referring to the views of His Excellency for the purpose of influencing the vote of this House?

Mr. PRESIDENT: You cannot suppose what object the Hon'ble Member has in view. I think he is perfectly right in referring to His Excellency's decision in the matter.

Babu JITENDRALAL BANNERJEE: May I be permitted to point out that he was not referring to His Excellency's decision, which he should be perfectly justified in doing, but he was referring to His Excellency's views.

Mr. PRESIDENT: I have already ruled you out of order. The decision indicates the views.

The Hon'ble Mr. A. N. MOBERLY: I say that this experiment of diarchy had not had a fair chance for a long time. The ministry has been upset time after time and then we are told that the Ministers have to follow the policy placed before them by their Secretaries. That I think is not fair.

I now came to what is rather a question of conversion. I do not here wish to try to argue with my friends on the right, their policy is perfectly consistent; they always oppose all Ministers and they desire that there should be no Ministers pending some shadowy scheme of their own, which I have not seen and which, I believe, has not yet been formulated. They would rather like that the transferred departments were run by the Members of the Executive Council than by non-official members of this Council, under the present constitution. The members to whom I do wish to speak are those who last week by a large majority voted salaries for Ministers and expressed the opinion that there should be Ministers and that diarchy should be worked in Bengal. To those who are not out-and-out supporters of the present ministry I want to say that it is very easy for them to combine with the Swaraj Party when they are out of office, but they will find the

Swaraj just as difficult to deal with when they are in office as the present Ministers do, and in counting heads they will have to deduct a very considerable proportion of the members of this Council from their possible supporters.

What hope, what better hope, have the Union Party of remaining in office supposing that these motions are carried and His Excellency appoints Ministers from that party. What better hope have they of remaining in office than the present Ministers have? We shall have a vote of no-confidence possibly on the first day of the next session and their chances will be reduced to this extent that apparently the non-official European group are not going to give them that blind support which they have given to their predecessors. I say that in such circumstances the members of the Union Party will not have a dog's chance. My advice to the Council is to leave the present Ministers alone for the time being, to give them rope enough and let them hang themselves, if necessary. If they prove themselves incompetent after a fair trial you will have some better argument than you have adduced to-day for turning them out.

Khan Bahadur Maulvi SYED MAQBUL HUSAIN: Nawab Musharruf Hosain is one of my intimate personal friends. I have no grudge against him or rather I am one of his well-wishers. I wish him success in the discharge of his duties as Education Minister but he has been given a trial for five months and the country and the Muhammadan community think that he has not been able to come up to the mark. He was selected by the Bengal Moslem Party to be Minister for Education and was entrusted with a certain policy and also certain duties, on the understanding that if he could not work out that policy or discharge the duty entrusted to him, he must clear out. The House knows that the settled fact of Lord Morley became unsettled but there could not be a simple inquiry into the Kulkati tragedy!

There was a Primary Education Bill promised to be enacted into a law of the land in the February session of this Council but where is that Bill now? The introduction of free primary education into the rural areas of Bengal would have chiefly benefited the Muhammadan community but unfortunately that free Primary Education Bill has been delayed and there is no knowing when it will again come up before this Council, if at all; I think rather it has been shelved. People, especially the Muhammadan community, are of opinion that the present Education Minister has not the capacity to pilot the Education Bill through the Council.

Then, Sir, two Calcutta University Bills have been introduced into this Council by two non-official members; they are very important subjects and the Education Minister must be very competent and steadfast and conversant with University affairs and it is apprehended

that the learned Education Minister may not be able to discharge his duties properly. The Simon Commission has come to this country to enquire into the present constitution and the growth and development of education in this country as well as the development of representative institutions. It is seriously apprehended by the Muhammadan community that the Hon'ble Education Minister would not be able to acquit himself at this critical juncture. Sir, the members of the Bengal Moslem Party have not been actuated by any personal jealousy or animosities in supporting these motions of non-confidence in the present Education Minister because he was selected by that very party, and it is the earnest desire of the Bengal Moslem Party that the Muhammadan Ministers should bring credit and honour to that party by the due discharge of his duties as Education Minister, but, alas! the present Minister has been tried and found wanting!

Sir, it is said that the Minister has not had time even to understand the rudiments of his duties but there is no probationary period for Ministers, and Ministers should be able to grasp the duties of their office as well as of their position at once.

The conduct of the Hon'ble Sir Provash Chunder Mitter in the formation of the first ministry of this Council cannot be condoned by the Moslem community in spite of the fact that he parted with the Education portfolio and made it over to the Muhammadan minister. Nawab Musharruf Hosain should be condemned for agreeing to work with him.

With these words I support the motions.

3-30 P.M.

Sir ABD-UR RAHIM: Sir, let me first of all deal with the constitutional position. To my mind there cannot be the least doubt about it. Attempt has been made to confuse the two issues—passing of the Ministers' salaries and the question of confidence or non-confidence in particular Ministers. I and all the members of the Council have been returned under the Government of India Act of 1919, which provides, for what is called diarchy, that is to say, that there should be Ministers, responsible to the Council, in charge of what are called the transferred departments. It is the duty of all who are returned under the Act to provide for the salaries of the Ministers. It is under that Act that I have come to this Council, and I should have been guilty of dereliction of duty if I failed to support the demand for Ministers' salaries. The other question whether we are approve or disapprove of certain Ministers appointed by His Excellency the Governor is totally different and a different principle should guide us. I may remind the House that Lord Lytton, shortly before he left these shores, explained in as lucid terms as possible that it was the responsibility of this House to say whether they approved of particular Ministers or not. It is the privilege of the Governor to appoint them,

but it is our function to consider whether they are fit persons to discharge the responsibility entrusted to them. I may also remind the House that having pointed out to us what was the constitutional position, he further told us that, under the circumstances that had arisen, the proper course for the Government was to appoint Ministers and then give an opportunity to the House as early as possible to say whether the persons chosen by him were fit and proper men and had their approval. This opportunity was to be given at the earliest possible moment. What has happened in this case? It has been said, and has been said solemnly and repeatedly, that we are not giving a proper chance, and not giving sufficient time to the Ministers—indeed it has been said that the Ministers have not been given a chance to learn the rudiments of their business. I ask in all earnestness the English members, who are perfectly familiar with parliamentary practice, are Ministers supposed to come to Parliament in order to learn the A. B. C. of administration? It that the practice in any country? I find that Mr. Travers is receiving my statement with a smile. I can understand the significance of that smile. Mr. Travers is one of those who do not believe that India is yet fit for responsible Government. That is the feeling of Mr. Travers and his associates. Is that not the declaration made by the European Association? If my memory fails not, that is so. If that is so, then why this anxiety on the part of the European members of the Council to support the Ministers even if they lack the confidence of the Indian section of the House? I ask Mr. Travers in all earnestness whether they want to support these two Ministers in order to prove that the principle of responsible Government, as worked in this province, has proved a success. If he and his colleagues assure me that, if these two Ministers are kept in office until the end of the term of this Council or longer, they will support the demand of the people for full responsible Government in this province, I shall be the last person to give my vote in support of the motions. I am very much in earnest about the principle of responsible Government being established here. I have had considerable experience of administration on various sides and I am convinced that this is the only possible form of Government which can work in this country at the present day. I am so much in earnest that I gave up the ease and comfort of a seat on the Bench of a High Court when I came to this province to take up the duties of a member of the Bengal Government. I came here to work the Reforms, and I think everyone will agree that what Mr. Montagu has done for this country is the best way of advancing the cause of self-government in India. It is our interest, I repeat, to do nothing by which our chances of attaining responsible Government in the country may be jeopardised. I say this advisedly and I ask everyone to believe that we are all in earnest. Sir, a motion of no-confidence is a well-known constitutional means to get rid of Ministers who have proved themselves to be

unpopular and undesirable, who are not carrying out the wishes of the people, especially of their representatives in this Council. It is a legitimate weapon which is used in all Parliaments throughout the civilised world. Then why should serious sermons be delivered to us? Why should we be threatened with dire consequences if we take action against particular Ministers? It is certainly not desirable that persons appointed as Ministers should be retained in their seats as members of the cabinet, if they fail to inspire the confidence of the people. Now, one of the Hon'ble Ministers was a member of our party till yesterday. When I was consulted by His Excellency the Governor after the fall of the Chakravarti-Ghuznavi Ministry, I advised him strongly that in the circumstances prevailing at the time it would not be wise to appoint any Minister, at least for some time. But I was confronted with the question that if he wanted to appoint Ministers, whether there were men amongst my party who would be willing to take office and whether in my opinion they were men who were in a position to discharge the duties of their office. He asked me if I myself would accept the responsibility, but knowing the condition of things and knowing full well that Ministers had to depend upon stray individual votes, had to canvass on every occasion individual members of this House, knowing all that, I thought I would not be able to discharge the duties appertaining to the office of a Minister with any advantage to the country or satisfaction to myself. It was on these grounds that I declined the honour, but when he put to me whether there were other men who would be willing to accept the responsibility, I mentioned the names of six men including Nawab Musharrut Hosain, and His Excellency selected him. I assure the House that I tried my best to give the Nawab every possible support. From the very day he was appointed there was a howl in my community because the Kulkati grievances remained unredressed, and doubts were expressed as to whether he would be able discharge his duties satisfactorily. I was attacked by the entire Muhammadan Press in Bengal for mentioning the name of Nawab Musharruf Hossain. Every day protests were made by the members of the party, and before the Council met in December last, I had no end of trouble in persuading them to let the Hon'ble gentleman have a chance of meeting his first Council, and, if necessary, the second Council, and then it will be for them to decide whether they were satisfied with him or not. No one will be able to contradict me. It was after a great deal of trouble that I succeeded in persuading them not to bring in a motion of no-confidence last December. But afterwards protests were continuously made by almost every member of my party with whom I came in contact. They told me in plain language that I had made a grievous blunder, and the only reply I could give them was that if that was so, I was ready to expiate for my blunder by sending in my resignation of presidentship of the party. But they

refused to accept it. I placed it again before a later meeting, from which I purposely absented myself lest my presence might embarrass them in coming to a decision. They, however, decided unanimously in my absence that I should remain the leader of the party and they sent a deputation to me. I had the question brought up once again for a third time, and they again persistently refused to accept my resignation. Under these circumstances I had no option left but to come to a decision in the party as to what action should be taken. The decision arrived at was that we have no confidence in the Hon'ble Ministers. I do not wish to go further. I do not wish to discuss the personal merits or demerits of any particular gentleman. The Council knows how to appreciate and appraise the value of their performances, and it is idle for me to descant upon them. So far as questions of policy are concerned, the Minister of my party was expected to see that the hon'ble colleague with whom he was to work accepted the policy of our party, or that there was a compromise between them and a common policy arrived at by conference and by discussion, some thing, which would be acceptable to the followers of Sir P. C. Mitter and to our party. Up to now I have not heard whether they have agreed on a common programme of work or policy. I would remind the House of another occasion when Sir P. C. Mitter could not come to an agreement with the Mussalman party as to even a common general formula. Sir P. C. Mitter's position is unenviable at the present moment. He has five or six followers who do not belong to any party. So for the majority of votes, the great majority, I say 90 per cent. of the Indian votes, he has got to rely on the Muhammadan group. I ask again if he is prepared to accept the policy of the Muhammadan group about which there is nothing obscure whatever. If he is not, is he entitled to use our votes?

3-45 P.M.

Mr. W. H. THOMPSON: Mr. President, Sir, it was a considerable surprise to me to hear the mover of these motions of no-confidence completing his speech without referring in a single sentence to the conduct of the ministry regarding which he was speaking. I have found little enough to the point in the speeches which have followed. Suppose, Sir, that I am a lawyer—let us pretend that we are eminent lawyers—and the present accused, the gentlemen sitting in the dock, have consulted us as to the defence of their case. What advice do I give them? Something like this: "There is very little that can be said against you because you have not had much opportunity of proving either your worth or your unworth; call no defence witnesses; cross-examine the prosecution, it may quite likely break down; abuse the plaintiffs' attorney as much as the judge will let you, and concentrate your attention on objecting to all evidence which is really only evidence of previous bad character and not relevant to the conduct of this ministry

—and rely on the jurors' sense of fair play to bring a verdict of not proven." The jury in this case is this House and as pleader for the defence I have a right to challenge individuals before they are empanelled and to challenge Mr. Sen Gupta and his party. They, Sir, have already expressed their attitude. They are opposed to the working of the constitution. They are opposed to any ministry. Sir, no judge, I think, on my representation would impanel Mr. Sen Gupta and his associates on a jury to try this case. Mr. Sen Gupta himself is a good lawyer. I do not think if he has a conscience, he will impanel himself on this jury, and I expect him as an honest man to remain in his seat when the division takes place. Mr. Sen Gupta is, I consider, the man who should be in the dock. It is one of the rules of party politics that any party who pushes Tom Tiddler off his castle must be prepared to climb up in his place. I have seen Mr. Sen Gupta in the court, and I do not think he will make a bad Minister. In fact, I think, he would make quite as good a Minister as any one on this side of the House. And if he were in the dock now and were being tried, a motion of no-confidence were brought against him before he had time to prove his worth and his uselessness, he should have my vote.

To deal with Sir Abd-ur-Rahim, permit me to change my metaphor. This game of knocking down skittles has brought a discredit on Bengal from other provinces and a great deal of derision on to this House. The ball which knocks down the skittles when it is thrown gets a good many more knocks than the skittles. A good deal more of the paint of decency is knocked off the ball than off the nine-pins. This particular ball was not too spick and span when the Government discarded it in 1925. After the riots in 1926 this ball was in such a state that no pair could be found for it. Less than a year ago it knocked down these Ministers' predecessors, and I am heartily ashamed to see that same old ball trundling down upon my nice new nine-pins stuck up so short a time ago.

Babu JITENDRALAL BANNERJEE: Sir, if anything could make me vote against these motions, it would be the utterly disingenuous speech that has been just delivered by Sir Abd-ur-Rahim. Sir Abd-ur-Rahim affects to think that there is a great constitutional question involved in the motions before the House. Sir, I should like to be perfectly frank and candid, and I shall say that there is no constitutional question involved at all—except for the members of the Congress Party. For every body else in the House—Union Party or no Union party—it is a question of rapacious greed for office, hungry personal ambition, and undignified scramble for the sweets of office. Sir Abd-ur-Rahim has raised the question of competency—the competency of Nawab Musharruf Hosain, I should like to ask, when did he make this precious discovery first of all? Does he forget that the Hon'ble Nawab Musharruf Hosain was one of his trusted friends,

colleagues and lieutenants? Does he forget that the Hon'ble Nawab was one of the half-a-dozen members whose names Sir Abd-ur-Rahim was good and kind enough to suggest to His Excellency as possible Ministers? After all, the question of competency is a question of degrees. I do not forget that Sir Abd-ur-Rahim himself was a limb of this precious Government for five mortal years, and that for over a year he was entrusted with the portfolio of Education. We have heard much about the supposed deficiencies of the Hon'ble Minister for Education. But the problems which meet us to-day in the field of education are exactly the same which confronted Sir Abd-ur-Rahim when he was the Member in charge of Education. How did he solve these problems then? What advance did he make towards a solution of the great problems of primary education, secondary education, or university education! I ask hon'ble members to consider this aspect of the question before they talk of competency or incompetency—all the more so when I find distinguished gentlemen like Maulvi Maqbul Hossain questioning the competency of the Hon'ble Ministers. One of the deficiencies of the Hon'ble Nawab Musharruf Hosain is that he cannot speak English fluently—as fluently, say, as Sir Abd-ur-Rahim. Sir, I am myself a feeble stammerer in English, and have considerable sympathy for all persons who labour under a similar deficiency; but I have yet to learn that inability to speak English means inability to govern, to administer the affairs of a Government. The less we talk such nonsense, the better for all concerned.

My friend, Mr. Bijoy Prasad Singh Roy, said with a considerable amount of youthful enthusiasm that this House was committed to the principle of diarchy. Sir, I should like once for all to give the questions to this kind of fatuity that is trotted out in the House from time to time. I know that my friends over there will refer to the debate that took place the other day about the granting of Ministers' salaries, they will say that there were 40 against diarchy and 80 in favour of it, and from this they will triumphantly conclude that diarchy has received the approbation of the House. To this I should like to reply that nose-counting is not politics. Whether diarchy has received the approbation of this House or not, I should like to show by reference to actual facts and circumstances. It was only in the latter part of 1923 that the Swarajists first came to this House, pledged to wreck diarchy and to do away with a system which, possessing all the show and outward traffings of democracy, denies us the substance and reality of responsible Government. And since the advent of this party to this House, can it be honestly said or truthfully contended that diarchy has ever had the least chance of success or efficient working? Who were the first two Ministers after the general election of 1923? The *ex*-Hon'ble Mr. Fazlul Huq and the *ex*-Hon'ble Mr. Ghuznavi? How long did their ministry last? Were they not driven out, ignominiously, neck and crop, from their seats of power, within a bare six months

of accession to office? After that there was another ministry to the personnel of which I can hardly refer without a sense of delicacy. You, Sir, were one of the new Ministers, and the other was the Hon'ble Nawab Ali Chaudhuri. This ministry, too, had a short shrift of a bare three months or so. After this for more than two years, there was no diarchy at all. But when the present House was elected in 1926, this Government, proof against wisdom and experience, sought once again to try conclusions with the House and to give a new lease of life to diarchy. What happened? The Gaznavi-Chakravarty Ministry went the way of other ministries; and now the day of grace has arrived for the Hon'ble Sir Provash Chunder Mitter and the Hon'ble Nawab Musharruf Hosain. Sir, you cannot say, after these accumulated instances, that this House is wedded to the principle of diarchy. Whenever the House has got a chance, it has made an end of diarchy, and no mistake. After all, what do you mean by the functioning of diarchy? If you could have Ministers who could command an elected majority of this House, who could frame a policy of their own, who could have a chance of carrying out their policy, then it might be said, with some shadow of justice, that diarchy had been given a chance of functioning? But, Sir, none of these conditions has ever been fulfilled since 1924. No Ministers appointed by Government could ever command an elected majority of this House in spite of all their searchings high and low: and no Ministers could be appointed with a policy of their own. In these circumstances, I say that it is absurd to suggest that diarchy is a principle of which this House is enamoured, a principle to which this House has been committed.

The Hon'ble Mr. Moberly has said that we have not given a chance to diarchy. Sir, that is an admission of the thoroughness with which we, Congress-men, have performed our office. We have never given a chance to diarchy, and—to quote the Hon'ble Member's own words—we shall never give a "dog's chance" to it. So far as diarchy is concerned, the record of the Congress is clean, clear and most honourable. Every consideration of political faith, every pledge given to our electors, every mandate received from our constituencies makes it imperative that we should wage an undying war against the principle of diarchy. But in spite of this firm and deep-seated resolve of ours, I must confess that I rise to support this motion to-day with a heavy and reluctant heart. The speeches to which I have listened have caused me much searching of the heart and many qualms of conscience: and I doubt, doubt grievously, as to whether the motions before the House are *bonâ fide* motions or not.

4 P.M.

Sir, the *bonâ fides* of a motion may be judged by its actual wording or by the character of its sponsors. Who are the gentlemen who have sponsored these motions? What is the past record of the Maharaja of

Mymensingh? Has he ever, in any matter whatsoever, taken the side of the people? Has he ever ranged himself on the popular side in any cause or controversy? Has he ever taken up the cause of those who are oppressed, weak, weary, and heavy laden? Sir, the Maharaja of Mymensingh has always been with the Government, he has always been found casting his vote in favour of those who are in power or expect to be in power. Such being the case, how can I believe in the *bonâ fides* of the Maharaja in his desire to get rid of the Ministers? All that I can say is that he is anxious to get into the shoes of the Ministers himself. So much for the Maharaja of Mymensingh.

Sir, there is another gentleman who also is one of the sponsors of the motion: it is Maulvi Abdul Karim. The other day, when the discussion on the question of Ministers' salaries was going on, Mr. Karim delivered a luminous speech which threw a flood of light upon the inner working of his mind. He characterised Nawab Musharruf Hosain as incompetent and inefficient as Educational Minister and described him as a square peg in a round hole. Since then he has been hunting high and low in his eager search for the round peg in the round hole; and at the end of all his searchings, by a very natural process of elimination, he has come to the conclusion that he, Maulvi Abdul Karim, B.A., retired Inspector of Schools, is the only round peg in the round hole. This is the conclusion that the hon'ble Maulvi Abdul Karim has arrived at; but it is possible, it is just possible, that there are people who may not be able to see eye to eye with him on this question.

With Sir Abd-ur-Rahim I have dealt already. (At this point Sir Abd-ur-Rahim was understood to say something, and the Hon'ble the President asked him as to whether he had any remark to offer.) (SIR ABD-UR-RAHIM: I refused the offer of a Ministry.) I am unfortunate in this, Sir, that I have not been able to catch the drift of Sir Abd-ur-Rahim's remark: but that does not matter. He says that he is willing to repudiate some kind of honour. No doubt, he would do so if the offer came from me: but would he do so if it came from His Excellency? I am not quite sure of that.

Sir, in spite of my doubt about the *bonâ fides* of the motion, I began by saying and I shall end by saying that we, members of the Swaraj Party, are bound to support a motion for no-confidence, no matter from what quarter it may proceed. But though we support these motions to-day I wish, here and now, at the very outset of some people's career of ambition, to strike a note of warning. Let not Sir Abd-ur-Rahim or Maulvi Abdul Karim, B.A., retired Inspector of Schools, or the Maharaja of Mymensingh labour under the delusion that they will be able to enjoy the sweets of office unmolested for long. The hands which pull down the Ministers to-day will not be the less busy when a new set of Ministers step into their places. Nay, we shall go on

pulling down Ministers again and again; and we shall not rest till even this Government see the humbug and mummery of playing this unending game. It is sometimes asked, what do you gain by pulling down Ministers when other Ministers are sure to be appointed in their place? In the first place, we succeed in establishing our principle. We succeed in making it known to the world that this diarchy, if it functions at all, does not function with our approval, that it does not function with the approval of the people at large. We want to proclaim this fact quite clearly to the world: for it is the game of the British Government to make it appear that by their concession of diarchy they have granted responsible Government to India. That is a lie which we wish to repudiate and nail to the counter. We wish to tell the British Government—"You have given us, not the substance of responsibility or power but only the shadow. But we are not political babies; we refuse to be satisfied with mere toys; and shall go on pulling down all the Ministers you appoint till we have succeeded in establishing in the country freedom itself or the nearest approach to it, namely, the fullest degree of Responsible Government."

Mr. W. C. WORDSWORTH: Sir, with the exception of the last delightful speech which was so impartially devastating that I have not yet estimated all its ramifications or effect, very little germane to the real issue has been said by those who would attack the Ministers, and those who would defend them are therefore obliged to base their remarks upon what their adversaries ought to have said if they had happened to think of it. Motions of no-confidence are nothing new. What is new in this is that one or two members of this House—if rumour says true—suddenly lost their confidence in the two Ministers one evening last week. So suddenly to lose something that has been cherished for four or five months is painful, and the rest of us can offer the afflicted our respectful and understanding sympathy. Our friends opposite suffer no such losses. They have no confidence in anyone, and being thus spared the nervous strain of deciding from time to time whether this man or that man is entitled to trust, there is no reason why they should not live long and die happy. I trust that they will live very long—long enough to change their political opinions and give assistance in the work of governing Bengal.

I should like to say a few words in elaboration of what Mr. Travers has said about the position of the European group We have been accused to-day of supporting the two Ministers in the hope that they will be so discredited that in its turn discredit will fall upon those who wish to see full representative Government. I heard that remark with amazement and I declare it to be a shameful insinuation. We have a definite place here. We have a principle of conduct and that is to support

Ministers, with loyalty but not without criticism. We think that they are entitled to both our loyalty and our criticisms. But we feel that our position has been taken advantage of and is likely to be taken more advantage of if we take no steps to defend ourselves. The voting power of the European group has always been a solid and invariable quantity to those who are engaged in calculating the possible permutations and combinations in party politics, just as the voting of the party opposite is also solid and invariable. But we have grown a little restive in our situation as independent invariables, and Mr. Travers has made it quite clear that we have no intention to challenge the reputation of Job for patience. We reserve the right to move across from one position to another, from what we may call a positive position to a negative position, at any time that we think fit to. In a debate that turns upon the qualities of persons it is very difficult to avoid personalities and I am sure every one engaging in discussions of this sort do so with considerable embarrassment. It would be quite possible to give a list of what one of the Ministers has done in his previous term of office. I myself have but little acquaintance with the Minister for Education, but the European group has full confidence in his capacity to do the work entrusted in him if he is given reasonable opportunity. He is a man who has succeeded in his private avocations and we see no reason to believe that he will not be successful in his public duties.

Sir Provash Chunder Mitter has previously held the portfolio of Education and one who worked with him intimately and not always harmoniously may be permitted to pay a tribute to the way in which he worked. I could say much of what he did to his transferred departments. By his own personal efforts he succeeded in getting large grants out of Government to improve the position of teachers in Government educational institutions and in non-Government institutions also, a contribution to educational welfare that should not be forgotten. I know that it is made an accusation against him that as a Minister of this House he blundered into a quarrel with the University, but I would ask the House to remember that he made unremitting efforts, and successful efforts, to repair that initial mistake and that the University has recognized his success. That trouble arose not really from anything that happened in this House—not from anything that happened in the University, but from the circumstances that both this House and the University had been put in difficulties by the Government of India. The University had asked for a Rs. 3 or 4 lakhs grant to repair its deficiencies and the Government of India with strange generosity gave it a Rs. 14 lakhs commission. The University has not yet recovered from that commission and probably never will.

Now to conclude: Is it not a fact that the great objection to our Ministers is that in time of great political difficulty they have not shown

themselves to be supermen. But they never professed themselves to be supermen nor was any promise ever made on their part that they would prove to be so. I do not deny the possibility of this Council finding supermen for these Chairs—it would be discourteous to pretend that there are none among us. But so long as the party opposite prefers to cling to its policy of obstruction we shall find few in ministerial uniform. Is the Council of such poor substance that it can respond only to supermen? May we not work harmoniously and usefully with men of like imperfections with ourselves? We decided last week that we ought to carry on the system of diarchy. But diarchy is not merely a question of the efficiency of Ministers. We, the elected Members of this Council, have also to see that we do what is expected of us. It is for us to assist Ministers in doing their work and to insist that they do their work. We took an important decision last week. Let us to-day make that decision effective by determining that our Ministers shall be given sufficient time on the stage to play their part for the good of the country. If we take the view that Ministers of Bengal are entitled only to their entrances and their exits we as a Legislative Council convict ourselves of political folly.

(At 4·20 P.M. the Council was adjourned and it reassembled at 4·30 P.M.)

Babu JOGINDRA CHANDRA CHAKRAVARTI: A fling has been directed against the policy of the Swarajists with regard to the motions which are now under discussion. It has been said that these are motions which have been based entirely upon personal grounds and that therefore we the members on this side of the House who have tried up to now to follow consistently a certain line of action on constitutional grounds ought not to give any support to the motions, which, it has been suggested, have been actuated by personal motives. Many other points have been raised with regard to what the Swarajists have done and how the Swarajists have always obstructed the success of diarchy in Bengal. I may say at once that the Swarajists have sufficient strength and sufficiently wide shoulders to bear the burden of any amount of criticism that may be levelled against them. With regard to this particular question the only answer which to my mind ought to be given is that so long as we feel that we cannot, consistently with the principle we have been following up till now, be a party to diarchy in this House, we are bound to support any motion of no-confidence for whatever reasons that motion may be moved or framed. So far as personal grounds are concerned, speaking for myself, I may at once make the point clear that I have absolutely no personal grounds either against the Hon'ble Sir Provash Chunder Mitter or the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, but at the same time I feel that consistently with the principle which I have been

following I can be no party to support those who are occupying the seats which they did not get by a majority of the votes of the elected members but by relying on Government votes and the votes of the nominated members.

Sir Provash Chunder Mitter I know is a gentleman who has very much regard for constitutional practices I appeal to him to consider as to whether it is constitutional for him to occupy a seat which he knows perfectly well has not the support of a large majority of the elected members in this House. On this ground I think that when I, as a member of the group to which I have the honour to belong, decide on a line of action I do it on grounds constitutional and not personal. It has been said, I have heard it said by a certain friends speaking from the other side, that the Ministers have not been given sufficient chance, sufficient time to prove their merit, to prove that diarchy can be worked and that the Swarajists are entirely responsible for that. At the same time I have heard it said by those amiable friends that they themselves consider that diarchy is a system which is bad and a system which cannot be worked, but they say that although it is system which cannot be admired and that although they knew that it is a system which has not worked well they ask us to believe in all sincerity that we on this side should do our best to work it for what it is worth: I have tried to follow this line of logic several times but I confess I fail to appreciate the force of this reasoning. If one believes that the system which has been given to us to work is a system which is unworkable how can we be asked to work it on the off chance that by working it we may make it successful. Mr. Bannerjee this afternoon in his brilliant speech has told you that we are not going to be satisfied with shams, with toys and that we are aspiring to something nobler and higher. I have heard some of my friends mentioning names which we all cherish and for which we have the greatest reverence, the names of Lokamanya Tilak and Sir Surendra Nath Banerjea and it has been urged that these leaders of India advised that diarchy should be worked for what it is worth. Without entering into the merits of this question I will remind my friends in this House that India in 1928 is not what it was in 1919, but so far as the world currents are concerned we find all round us that the events are progressing in great stides and that in the year 1927 the Congress unanimously resolved that complete political independence is its goal. It is idle for any body in this Council to contend that this system, this constitution, which we are being asked to work is a constitution which can be worked for what it is worth. I, therefore, want to make the position of the members on this side as clear as possible in my own light that we cannot consistently be a party to this system of diarchy and that we must take advantage of every occasion that presents itself before us of throwing it out by all possible means. With these words I support the motions which have been moved.

Maulvi KADER BAKSH: It is not for the purpose of supporting the Ministers or going against the Ministers that I want to speak a very few words with regard to the statement of facts made by Sir Abd-ur Rahim which, to my knowledge, are not all correct or accurate. Just after the fall of the last ministry, at a meeting of Muhammadan members of this House—about 27 members were present—several questions were discussed, the chief of which was the question of Kulkati. I, a humble member present at that meeting, raised the question whether the Muhammadans were willing to form a ministry again. The question was discussed and it was settled that a ministry should be formed, and at that same meeting Sir Abd-ur Rahim was repeatedly requested to accept office but he refused saying that he came to the Council on the Kulkati issue and was therefore not in a position to accept office. But he said that if the party agreed, he would choose one of their party and submit his name to His Excellency the Governor for consideration for appointment as a Minister; the party gave him absolute liberty in this matter and after some time he chose the Nawab Sahib. Now, Sir, he insists that the leader and the Minister should be the same person. We did not understand the position he took and several meetings were held at which I was also invited; that meeting decided that the leader must be outside the Government. We could not understand what Sir Abd-ur Rahim meant and what was his intention.

With these few words, more by way of statement than speech, I oppose the motions.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: We the Ministers have been attacked this time from all sides of the House —by my Swarajist friends, by the members of the Union Party and by the few remaining members of the so-called Moslem Party. As regards the Swarajists and the members of the Union Party I will not say anything because they have not brought any accusation against me or against my capacity of working as Minister of Education. The only person who has levelled a criticism against me is a member of a party which is called the Moslem Party. He said that I have not succeeded in bringing the Primary Education Bill before the Council. I will remind the House that this Education Bill has been prepared, has been circulated for eliciting public opinion thereon and all the opinions that have since been received have been collected and printed (the printing was completed just a week ago). If any Bill is to be presented before the Council it must receive the sanction of the whole Government and you know the whole Government means both the reserved and the transferred sides. The opinions that have collected and printed are now being circulated and after circulation the opinions of the Members will be recorded and printed and if the Bill be passed

in a joint meeting of the Cabinet and be not objected to by any member it will be presented before the Council. So there are lots of formalities to be gone through before the Bill can be presented to the Council and I have not been in office long enough to be able to bring it so quickly before the House. It is physically impossible for any Minister to bring in a Bill of such a complicated nature within so short a time.

Then my friends have charged me with being unable to tackle the problem of education which are now before the country. I may tell the House that since 1857 when the University Act was passed up till to-day practically nothing has been done to change that Act to suit the circumstances of the country. I have taken over charge only five months ago; many before me had charge of education, and I ask here, whereas in the last 70 years nothing had been done, why they are charging me as a person who has not tackled the problem of university education?

4-45 P.M.

Sir, next comes the spread of education. Is it not a fact that during the last five months all that was possible has been done in order to expedite the introduction of the Primary Education Bill? If I have not succeeded in bringing it before the Council it is not on account of my incompetency, but because it is physically impossible for any Minister to bring in this Bill at so short a time. Sir, when the country has slept for nearly 70 years is it possible for a man, however intellectual a giant he may be, to solve the problem, which for 70 years has not been solved, in a few months' time? I can say to my friends that even in that matter we have not been behind; we have appointed a Special Officer to prepare a University Bill on the lines of the recommendations of the Sadler Commission. So, there also, I believe, I have not lagged behind. Lots of other charges have been brought against me, but the time is so short that I cannot reply to every one of them. My friend also wants to speak and so I must finish.

Mr. J. M. SEN GUPTA: I think it is necessary to make it clear once more in this House that we the members of the Congress party are not actuated by any personal motives in supporting these motions. I am sorry that Mr. Bijoy Prosad Singh Roy should have thought fit to accuse the Maharaja of Mymensingh of having been actuated by hate, malice, and jealousy against the Ministers.

Mr. BIJOY PROSAD SINGH ROY: Sir, I rise on a point of personal explanation; I did never accuse the Maharaja of Mymensingh with hate, malice and jealousy.

Mr. PRESIDENT: I cannot allow you to rise on a point of personal explanation at this stage.

Mr. J. M. SEN GUPTA: Am I wrong, Sir, in stating that Mr. Bijoy Prosad Singh Roy used the words, hate, malice, and jealousy, as being the basis of the motions that were brought forward by the Maharaja of Mymensingh. Is there a denial of the question that I have put? There is none. I am sorry that Mr. Bijoy Prosad Singh Roy should have brought forward that charge against the mover and the supporters of those motions. Having regard to that, I have no doubt, that he would repudiate and resent any suggestion being made by anybody that he as a nominated member, and having been nominated by Government, was bound to support any Minister for the purpose of showing to the world that diarchy was still living. Mr. Bijoy Prosad Singh Roy ought to have known that he is not an elected member of this Council, he comes here, because he has been nominated by the Government: he owes his seat to the Secretariat.

I was sorry to see that the Hon'ble Sir Provash Chunder Mitter and the Hon'ble Nawab Musharruf Hosain had Mr. Bijoy Prosad Singh Roy, a nominated member of this Council, as their chief sponsor and as their first sponsor, and I was also sorry to see that the Hon'ble Ministers had Mr. Travers to get up and speak on their behalf, particularly when I remembered that this very Minister, Sir Provash Chunder Mitter, in this very House, a few years ago, told us that he would refuse to accept the office of a Minister unless he had 30 elected members of his community behind his back. He has had a nominated member of Government getting up in his support and Mr. Travers, a member of the European group getting up to support him, and I am surprised that although the debate is almost at an end there is hardly an Indian elected member who has lent his support to him.

Sir, I am sorry that a member of my party would not give credit to members of this House who think differently from us. I can believe in the *bona fides* of the European group as also of other groups in this House with regard to their actions and speeches. I am not going to attack the *bona fides* of any particular political group of this House. I can quite appreciate members of this House belonging to other political parties bringing forward motions of no-confidence merely on the ground that the Ministers don't enjoy their confidence, while at the same time whole-heartedly supporting the system of Government, I can appreciate that principle. I am not going to tell them "Oh! you are actuated by personal motives, you want the ministerial *gadi* yourself." I wish the honourable member who belongs to my party had that charity, had that fairness. He, I know, would not like that our party should be attacked that we are actuated by any bad motive and I am sorry he did not show the same fairness to others.

I do not care from what motives members of this House bring forward motions of no-confidence. There are two ways of destroying diarchy; one is by total refusal of salaries and the other method which the constitution allows is to support motions of no-confidence. We have followed both these courses during the last four years, since the Congressmen came to this Council. Since January, 1924, we have followed these two courses, either by rejecting the salaries, or by bringing forward motions of no-confidence and thereby turning out the Ministers. We are going to do the same thing to-night and we hope we shall be successful and in doing so we are doing nothing wrong. The charge has been made that we are not true to our principles as a few days ago the demand for the Ministers' salaries was carried and that proved that the Council wanted diarchy to be continued. I deny it. I deny that the members have shown by their votes that they want that diarchy should be continued. What they have shown by their votes is that they want—each group wants—Ministers to be appointed from their own group. They have not shown that diarchy is wanted.

I go further and say that His Excellency the Governor in appointing the two Ministers went directly against the instructions that he had received from His Majesty the King. His Excellency was told in his instrument of instructions that he should choose Ministers who would be able to voice the opinion of the people; that he should choose such Ministers who would represent the representatives of the people in the Council. Can it be said by any stretch of imagination that these two honourable gentlemen sitting there represent truly the opinion of the people, or even the opinion of the majority of the representatives of the people in this Council? That is where the whole thing is wrong and that is why we say that either by throwing out the salaries or by the method of supporting the no confidence motion we propose to show that diarchy is not working, will not work, and never worked in the past.

There is one word I would like to say about Mr. Travers and Mr. Thompson. Mr. Thompson has denied me the right of sitting in judgment over the heads of the two Ministers. May I say that we Indians, we the elected members of this House, would never give the right to the European group of sitting in judgment over our Ministers however unfit they might be? Let them deny if they can that their European Association is of opinion that India is unfit for responsible Government. Let them first officially declare that the Indians are fit for responsible Government. I go by their action. I am not going to say that they were actuated by bad motives, but I do say that there is their declaration, their official declaration, and the evidence that they propose to give is that India and the Indians are not fit for responsible Government at present. Therefore when they say that

they would support these Ministers, the reason for so doing is that the Swarajists are out to wreck the constitution. Mr. Travers is perfectly right and I accept his reason that the Swarajists are out to destroy the constitution. I can quite understand that, but when they say that they also have confidence in the Ministers we do not believe them. That is not the real reason. It is wonderful that throughout the history of this Council, since 1924, we have not found one single European having no confidence in any particular Minister. They always have confidence in any and every Minister, because they have always to oppose the onslaught of the Congress people who do not want the constitution. Be frank enough to admit, be bold enough to admit, that you want to save this constitution and for that reason you are supporting the Ministers, not because, as you say, you have confidence in them. Sir, I would deny Mr. Thompson the right to sit in judgment over us. There is absolutely no difference between the official members of this House and the European members. If there were more official members in place of the elected European members they would do just as well as the European members do to look after their interest. They would do in the same way and act in the same way.

5 P.M.

Now, only on one occasion in this session of the Council Mr. Travers had the courage enough to go into the lobby with us. I wonder if that was not a bit of evidence of stage action for the purpose of impressing the Simon Commission with the idea that the elected members of the European community do sometimes vote against Government. Sir, I say that the European group have no right to sit in judgment on Ministers. They will always vote for them and they have always done so—their position in this Council is intolerable. They must always support the Government and support the Ministers whoever they may happen to be. So far as the official members are concerned, they cannot vote against them—even though the official members individually might not feel any confidence in the Ministers. That is the position, that is the constitution we have to carry on. That is the reason why it is very difficult sometimes to throw out the Ministers because of the official group, of the European group and because of the nominated non-official group. I say that we are perfectly entitled to use this weapon that the constitution provides, namely to bring motions of non-confidence for the purpose of destroying diarchy.

Mr. S. C. BOSE: Mr. President, Sir, I had originally intended not to take any part in the debate this afternoon, but after the speech of the gallant member representing the Bengal Secretariat I felt that I would not be doing my duty by merely recording a silent vote on this matter. The gallant member representing the Bengal Secretariat has said that these motions—I have taken down with great care the

exact words to which he gave utterance—that these motions were the outcome of jealousy; that these motions were brought forward by a party of political self-seekers, and he also in the course of his speech ventured to level some charges against a member of the Swarajist benches—I mean Mr. B. K. Bose. In levelling these charges against Mr. Bose he had to invoke the authority of a person who is not a member of this House at present, namely the Maharajadhiraja Bahadur of Burdwan. I quite sympathise with the gallant member in the obscurity in which he finds himself; I quite sympathise with him in his failure to obtain the suffrages of his constituency; I quite sympathise with him in his failure to find any one else in this wide world to look to except the Maharajadhiraja of Burdwan. It is not very long ago that the gallant member was turned down by the suffrages of the members of his own constituency—the citizens of Burdwan—and he has now the effrontery to come to this House and to speak on motions which according to the Select Committee of the British Parliament are motions that affect the elected members of this House and the elected members alone.

In this connection I may remind the gallant member and also the gentlemen who will no doubt bless him for his speech—the Ministers—what the Select Committee of the British Parliament said, namely "that the Ministers must be persons who enjoy the confidence of the elected members of the House and are capable of leading them." It follows, therefore, that it is only the elected members of this House who have a right to say on an occasion like this whether the Minister has or has not their confidence. Thousands of gallant members and tens of thousands of nominated representatives of the Bengal Secretariat are of no use on an occasion like this.

Now, Sir, the observation that the gallant member made was that this Council stands committed to diarchy. I will not reply to that observation because it has already been replied to by Mr. J. L. Bannerjee, whom I will not venture to emulate in the choice of expressions. But if I may draw the attention of this House to one observation of the Minister for Local Self-Government which he made after he retired from the ministerial *guddee* and which he made in his reply to the Government of India's note, dated the 8th April, 1924, if I may remind him of that observation, it was this:—He said, "I condemn diarchy." The Minister further said, "Nevertheless our party tried to work diarchy whole-heartedly, but diarchy killed our party. In my opinion the difficulties of running diarchy will increase more and more in future." And I have no doubt that during his short experience on the Ministerial *guddee*, the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, has certainly realised that the difficulties of running diarchy under this system are increasing more and more!

Now, Sir, there is one observation which unfortunately was made from this side of the House against which I desire to enter my protest.

It was said by Mr. J. L. Bannerjee—and I regret that it was said from this side of the House—almost echoing the words of the gallant member of the Bengal Secretariat that these motions were the outcome of jealousy. On the authority of the leader of my party and on the authority of the members who sit on these benches, I desire to dissociate myself from the observations made by Mr. J. L. Bannerjee.

In the year 1924 when Sir Provash Chunder Mitter voted against the Fazlul Huq-Ghuznavi Ministry, it was said in this Council, it was said in the Courts it was said in the market place, it was said almost everywhere that Sir Provash Mitter's vote was the outcome of personal grudge, the outcome of a most unkind and ungenerous feeling towards Mr. Fazlul Huq. But we on this side of the House are prepared to accept Sir Provash Chunder Mitter's statement which he made when he was examined by the Muddiman Committee. It will be within the recollection of this House that he was asked a question by Sir Tej Bahadur Sapru when he was giving evidence before the Muddiman Committee, and the question was whether there was any truth in the allegation that the vote against the Fazlul-Ghuznavi Ministry was because they were Mussalmans, the answer of Sir P. C. Mitter was this—that the allegation was an unmjtigated lie and that those who made that statement knew that this was untrue. He next explained the reasons as to why he had voted against the Fazlul Huq-Ghuznavi Ministry, and if those reasons are of any value to him at any time of his life, I hope he will have the honesty to declare to the House to-day that his personal opinion is against this ministry. Now, Sir, his reasons were these—to quote his own words—that when the two Ministers were appointed, they had no personal following at all. Then the President of the Committee pointed out that 66 votes against 68 showed that the Ministers had a following. What do you think Sir Provash's reply was? Does he remember or shall I have to remind him of his reply? His reply was this that out of these 66 votes 22 were officials and the same number were nominated non-official votes and thus really the elected party for the Ministers consisted only of 22 against 68. Does Sir P. C. Mitter remember the explanation which he gave then for his vote against the Fazlul-Ghuznavi Ministry? If these reasons held good in the year 1924 will Sir P. C. Mitter say to this House why they do not hold good to-day? And if these reasons hold good to-day, what justification is there for Sir Provash Chunder Mitter occupying the ministerial chair? If we exclude the official and non-official nominated votes, I ask him has he even 30 men of the combined communities at his back. I hope Sir Provash Chunder Mitter has not a short memory. I hope he will show by his vote to-day that he has some show of consistency in public affairs, some consistency in the views which he has expressed time and again on the question of diarchy. It was he who said that diarchy was "unworkable," it was he who said that diarchy "could not be worked at all," it was he who

voted against the Fazlul Huq-Ghuznavi Ministry on the ground they had no personal following in this Council and I ask him to declare to the House what justification he now has for sitting on that chair.

I do not desire to take up the time of the House unnecessarily but I may just, before I resume my seat, remind the House of the value of these 44 to 45 combined official and nominated non-official votes. My leader, Mr. Sen Gupta, has pointed out to you the reasons why Ministers have at all times enjoyed the votes of the official and nominated members. The other reason is this that these 44 European members know that they have the Ministers absolutely under their control, that they hold the Ministers absolutely under their control, that they hold the Ministers in the hollow of their palms, and so long as the House is constituted as at present, they would continue to hold the Ministers in the hollow of their palms. The Ministers will not have the power even if they had the will of doing any good to their country.

Babu JITENDRALAL BANNERJEE: On a point of personal explanation, Sir, Mr. Bose's memory must have failed him utterly, because I never used the word "jealousy" in my speech. All that I said was that I doubted the *bonâ fides* of these motions.

[At this stage Hon'ble Sir Provash Chunder Mitter and Mr. H. S. Suhrawardy rose to speak.]

Mr. PRESIDENT: I have only 15 minutes to spare and that must be given to the Hon'ble Minister.

Mr. J. M. SEN GUPTA: On a point of order, Sir. There are several other members who desire to speak on these motions and so my point of order is that as these are very important motions, is there any rule by which motions like these can be guillotined simply because the House will adjourn at half past five.

Mr. PRESIDENT: I find that leaders and several members of each party or group in this House have had opportunities to speak, and it is not possible for me to allow more time for their discussion of the subject now before us. I must close the debate after giving an opportunity to Sir P. C. Mitter to speak.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, this particular accused is suffering from a physical infirmity to-day and therefore he desires at the outset to apologise to the House, through you, in case he fails to be audible. This accused now proposes to plead formally. My first difficulty however is that I do not know what the specific charge against us is. My hon'ble friends to my right and to my left who have spoken at length have only said that they do not like

the Ministers. It is very much like the old case of Dr. Fell. Have they pointed out anything definite that from the 10th October last year when we took charge that we have acted in any manner contrary to the interest of the country? They have pointed out nothing. On the contrary in spite of the fact that they are supposed to be representatives of the people, in spite of the fact that they are here under the Government of India Act, in spite of the fact that even those who are on the Swarajist benches are none the less co-operators, and have all failed to do their duty to their constituencies by refusing to support us even when we were acting for the good of the people. We have done some good. Their only activity lies in trying to wreck the constitution. If we are left at the mercy of the European group—and I am glad to say that the European group has acted justly—whose fault is it? Having thus acted against the interest of the people by leaving us at the good sense of the European group is it proper for them to twit us on our dependence on the European members. In spite of the fact that my friends to the right have not been doing their duty to their constituencies, we the Ministers have advanced the cause of the people under circumstances of great difficulty, and with motions of no-confidence hanging over our head almost every day that the Council has sat. What is the charge against us? The charge is you two people are very bad men. Is that the object of section 84A of the Bengal Legislative Council Rules? Is that the way responsible representatives of the people should use that section? I can only enter my protest against it. I know I am in their hands.

Rai HARENDRANATH CHAUDHURI: Sir, is the Hon'ble Minister in order to question the propriety of the section?

Mr. PRESIDENT: The Hon'ble Minister is not challenging the propriety of the section but is giving his own interpretation of the same.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, the time at my disposal is very limited, but there is another point on which I would like to say a few words. We have been accused that we have no policy. Those who know the present constitution know very well that a Minister under the present constitution cannot have a policy in advance like a Minister in England or any other self-governing country. Suppose I think that a certain matter ought to be decided in a particular way. Under the present constitution the Government as a whole—part of of which is not responsible to the people—have to decide the question, we are only two out of six. It may mean that for, say, five questions the Government as a whole may not agree to more than three. Now compare this with the constitution of a self-governing country. There a political party is a self-contained body and its Ministers all belong to the same party and therefore the Government can have a policy in

advance. That is why I always say that our present constitution is not satisfactory and I put it to my friends on the right—are they looking really to the interest of the people which ought to be above any party interest by misquoting my speeches and evidence? I have always said that diarchy is unsatisfactory but I have also said that though unsatisfactory yet it is possible to extract good from every constitution and it is possible to use the present constitution for the good of the people.

My policy and the policy of my Swarajist friends are different. Our politics are also different. They believe in paralysing the constitution and we liberals believe in evolution through the working of the present constitution. My friends have quoted Sir Tej Bahadur Sapru and others. My friends also quote Sir Provash Mitter when it suits their purpose but they would not quote the full statements of either of us.

With regard to the question of policy I do not propose to go into the question more fully as no charge has been framed against us regarding our policy or want of policy.

Mr. Bejoy Krishna Bose has referred to the oft-repeated platitude that nations must be made by themselves. If that be so, is it merely by canvassing and not by working for the good of the people that nations will be made? I will ask them to examine their conscience. I would ask the Swarajist Party, I should like to know from them.....

Mr. SUBASH CHANDRA BOSE: On a point of order, Sir. May I enquire to which party the Hon'ble Minister belongs?

Mr. PRESIDENT: That is not a point of order. It is a question, and I will not allow any question at this stage.

The Hon'ble Sir PROVASH CHUNDER MITTER: Now my friends have shown that they are feeling uncomfortable. I am not accusing any particular party in this country, but I do say do the political parties work for the good of the masses? What have they done to improve the sanitary condition of the country? What have they done to improve education and medical relief? (*Cries of* What have you done?) I assume I have done nothing but according to you I am so unworthy and incompetent that you cannot expect anything from me but what have you people, who claim a monopoly of patriotism and feeling for the masses, done for them?

Mr. PRESIDENT: I would advise you, Sir Provash, not to answer questions which are loosely put to you without my consent.

The Hon'ble Sir PROVASH CHUNDER MITTER: I have resisted the temptation for some time. I say, now assume that I have done nothing, but does that exonerate you and others? There are

those who know what I am doing. My friends on the right have said that their party consist of 42 members and they do not want any Ministers. I can respect them for their consistency. But there are others who are also I am sure actuated by equally honourable motives in trying to defeat us. I hold the Maharaja of Mymensingh, the mover of the motions, in high esteem and I am sure he has no motive other than honourable. But I would put it to him what will be the effect of defeating the Ministry? I would ask him to take a lesson out of the organisation of the Swarajists. There you find Mr. J. M. Sen Gupta and Mr. Jitendralal Bannerjee who do not see eye to eye with each other voting together. The non-Swarajists should do well to emulate the consistency, conduct and party discipline of the Swarajists.

I would say one or two words more. I have listened to all the speeches but I do not find any specific charges relating to want of confidence in us by members of the Union Party. The only thing they said that their party is composed of Hindus and Muhammadans. I wish there were more parties in the House composed of Hindus and Muhammadans. But is that any reason why they should not have confidence in us. We two and our party consisting of Hindus and Moslems are working together. I am afraid my time is up and I must resume my seat because if I am to go with other points I would take much more time.

Rai HARENDRANATH CHAUDHURI: Sir, there are so many members who want to speak on these motions. Can you not extend the time?

Mr. PRESIDENT: I have pointed out Harendra Babu that I have given leaders of all parties and various other members time to speak on the motions under discussion and I believe that we have discussed them fully.

Mr. H. S. SUHRAWARDY: Sir, you have not given the Union Party an opportunity to reply.

Mr. PRESIDENT: It was for the Maharaja of Mymensingh to reply but he is not in his place. If he had been here, he could reply if he wanted to do so.

Mr. JOGESH CHANDRA GUPTA: Sir, is it your ruling that after the leaders have spoken other members who think that it is necessary for them to speak are not to be allowed to speak?

Mr. PRESIDENT: That is not my ruling. You are sadly mistaken. If the President finds that a matter has been sufficiently discussed it is in his power to put it forthwith.

Mr. H. S. SUHRAWARDY: You said that the Maharaja of Mymensingh would have been given permission to reply. I have been authorised by him to reply on his behalf.

Mr. PRESIDENT: It is not possible to allow you to exercise his right of reply.

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir. The Council time had been fixed from 2-30 to 5-30. As it is passed 5-30 now does not this Council stand adjourned?

Mr. PRESIDENT: It is really a *bonâ fide* point of order. I am afraid I have to decide it against you.

Mr. S. C. BOSE: Is it in order, Sir, to put these motions after 5-30.

Mr. PRESIDENT: It rests with the President, Mr. Bose. If he finds that he should allow the last speaker to go on speaking right up to 5-30 then it is clearly his duty to put the motion under discussion immediately after the speech is concluded. I did not allow one moment more than 15 minutes to Sir Provash, as I did not forget that only one day was alotted for the discussion of the subject now before the House. I would once for all say that I am not going to allow any other member to speak and I must now put the motions, one by one.

The motion that this Council has no confidence in the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, the Minister for Education, was then put and a division taken with the following result:—

AYES.

Acharjya Chaudhuri, Maharaja Shashi Kanta, of Muktagacha, Mymensingh.
Ahamad, Maulvi Asimuddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Maulvi Syed Naushar.
Ali, Mr. Altaf.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Promotha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejay Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Khorshed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.

Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Farequi, Khan Bahadur K. G. M.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Babu Satyendra Chandra.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Dayal.
Hoque, Kazi Emdadul.
Hussain, Khan Bahadur Maulvi Syed Maqbul.
Karim, Maulvi Abdul.
Khan, Babu Debendra Lal.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.
Lala, Babu Saroda Kripa.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Nazimuddin, Mr. Khwaja.
Poddar, Mr. Ananda Mohan.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur-.
Raikat, Mr. Prosanna Deb.
Ray, Babu Radha Gobinda.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sanyal, Babu Sachindra Narayan.
Sarker, Babu Naliniranjan.
Sattar, Mr. Abdool Razak Hajee Abdool.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Solaiman, Maulvi Muhammad.
Suhrawardy, Mr. H. S.

NOES.

Abbott, Mr. E. G.
Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Kasiruddin.
Baksh, Maulvi Kader.
Barton, Mr. J. F.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Choudhury, Maulvi Golam Mawla.
Cohen, Mr. D. J.
Dey, Mr. G. G.
Dowding, Mr. T. W.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Eddis, Mr. A. McD.
Ghose, Mr. M. C.
Goenka, Rai Bahadur Badridas.
Gofran, Maulvi Abdul.
Guha, Mr. P. N.
Haque, Khan Bahadur Maulvi Azizul.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Kasem, Maulvi Abul.
Lindsay, Mr. J. H.
Luke, Mr. N. R.
Macartney, Mr. J. G.
MacBean, Mr. J. A.
Macdonald, Mr. A.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Mazumdar, Rai Bahadur Jadunath.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder,
Moberly, the Hon'ble Mr. A. N.
Morgan, Mr. G.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Nelson, Mr. W. H.
Parrott, Mr. F.
Phelps, Mr. Trevor J.
Prentice, Mr. W. D. R.
Rahman, Maulvi Shamsur.
Rahman, Mr. A. F.
Rauf, Maulvi Syed Abdur.
Ray, Babu Nagendra Narayan.
Ray, Maharaja Jogindra Nath, of Natore.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Saehse, Mr. F. A.
Sarbadhikari, Dr. Sir Deva Prasad.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Sen, Mr. Satish Chandra.
Shah, Mr. Ghulam Hossain.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Skinner, Mr. S. A.
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 60 and the Noes 65, the motion was lost.

Mr. PRESIDENT: It has been brought to my notice that Mr. Maiti passed through both the lobbies. His name shall be expunged from both the lists.

The motion that this Council has no confidence in the Hon'ble Sir Provash Chunder Mitter, the Minister for Local Self-Government, was then put and a division taken with the following result:—

AYES.

Acharjya Chaudhuri, Maharaja Shashi Kanta, of Muktagacha, Mymensingh.
Ahamad, Maulvi Asimuddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Maulvi Syed Nausher.
Ali, Mr. Altaf.
Atiquilah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Promotha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Khorshed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Faroqui, Khan Bahadur K. G. M.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Babu Satyendra Chandra
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Doyal.
Hoque, Kazi Emdadul.
Husain, Khan Bahadur Maulvi Syed Maqbul
Karim, Maulvi Abdul.
Khan, Babu Debendra Lal.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.
Laia, Babu Sareda Kripa.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Nazimuddin, Mr. Khwaja.
Poddar, Mr. Ananda Mohan.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur-.
Paikat, Mr. Prosanna Deb.
Ray, Babu Radha Gobinda.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sanyal, Babu Sachindra Narayan.
Sarker, Babu Naliniranjan.
Sattar, Mr. Abdool Razak Hajee Abdool.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Solaiman, Maulvi Muhammad.
Suhrawardy, Mr. H. S.

NOES.

Abbott, Mr. E. G.
Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Kasiruddin.
Baksh, Maulvi Kader.
Barton, Mr. J. F.
Casselis, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Choudhury, Maulvi Golam Mawla.
Cohen, Mr. D. J.
Dey, Mr. G. C.
Dowding, Mr. T. W.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Eddis, Mr. A. McD.
Ghose, Mr. M. C.
Goenka, Rai Bahadur Badridas.
Gofran, Maulvi Abdul.
Guha, Mr. P. N.
Haque, Khan Bahadur Maulvi Azizul.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Kasem, Maulvi Abul.
Lindsay, Mr. J. H.
Luke, Mr. N. R.
Macartney, Mr. J. G.
MacBean, Mr. J. A.
Macdonald, Mr. A.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Mazumdar, Rai Bahadur Jadunath.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder,
Moberly, the Hon'ble Mr. A. N.
Morgan, Mr. G.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Nelson, Mr. W. H.
Parrott, Mr. P.

Phelps, Mr. Trever J.
Prentice, Mr. W. D. R.
Rahman, Maulvi Shamsur.
Rahman, Mr. A. F.
Rauf, Maulvi Syed Abdur.
Ray, Maharaja Jogindra Nath, of Natore.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Saehse, Mr. F. A.
Sarbadhikari, Dr. Sir Deva Prasad.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Sen, Mr. Satish Chandra.
Shah, Mr. Gholam Hossain.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Skinner, Mr. S. A.
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 61 and the Noes 64 the motion was lost.

Adjournment.

The Council was then adjourned till 2-30 P.M. on Thursday, the 22nd March, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 22nd March, 1928, at 2-30 P.M.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers and 91 nominated and elected members.

Mr. PRESIDENT (the Hon'ble Raja Manmatha Nath Ray Chaudhuri, of Santosh): I have to announce that it has been brought to my notice that Babu Nagendra Narayan Ray had been to both the lobbies yesterday when the motion of "No confidence" in the Hon'ble Sir Provash Chunder Mitter was put and a division was called. I have therefore to ask Mr. Ray if he has anything to say in this connection.

(Babu Nagendra Narayan Ray was absent.)

I see he is absent. I think his name should not appear in any of the division lists

DEMANDS FOR GRANTS.

31—Education (Reserved).

The following motion was put and lost:—

"That the demand Rs. 4,11,000 under the head '31 B.—Education (Reserved)—Primary—Direct grants to non-Government Primary Schools for European and Anglo-Indian Education' be reduced by Re. 1."

Babu AMARENDRA NATH GHOSE moved that the demand of Rs. 12,89,000 under the head "31—Education (Reserved)" be reduced by Rs. 10,00,000.

He spoke in Bengali.

Mr. PRESIDENT: I propose to have one discussion on this motion and the motion standing in the name of Maulvi Asimuddin Ahamad.

Maulvi ASIMUDDIN AHAMAD moved that the demand of **Rs. 12,89,000** under the major head "31—Education (Reserved)" be reduced by Rs. 6,44,000.

He spoke in Bengali, the English translation of which is as follows:—

"After what has been said by my friend Babu Amarendra Nath Ghose in connection with the previous motion, I have only a few words to add.

My first question is why the demand for Education should be divided into Reserved and Transferred? It is well known that Government do not spend for Indians a hundredth part of the money they spend for European education. For instance:—

	Europeans and Anglo-Indians	Indians.
	Rs.	Rs.
Primary education ..	4,71,000	27,09,000
Secondary education ..	7,43,000	27,48,000
Special	2,03,000	13,66,000
General	98,000	21,33,000

What is the object of Government in spending so much money on European and Anglo-Indian education, when they are only a handful in comparison with Indians? Why have Government kept the money for their education in their own hands? We find that Government spend annually Rs. 130-5 per head for Euorpean and Anglo-Indian education, while their annual expense for Indian boys is only Rs. 2-11 per head. There are only 1,200 European primary school students in Bengal and Government spend Rs. 4,71,000 for them, while for many lakhs of Indian primary school students they spend only Rs. 27,09,000! Can there be any treatment more regrettable than this? Thirty-two European masters and mistresses get Rs. 1,30,700, while 722 Bengali masters and mistresses get only Rs. 10,67,450 a year! Each of the European teachers receive Rs. 345, while each of the Bengali teachers receive only Rs. 123!

Is there any justice in this treatment? Government have never money enough to make suitable arrangements for the education of the boys of those who pay the taxes, but they can spend money lavishly for the education, quarters and amusement of a handful of European boys who are but strangers in the land. To provide educational facilities for the people of the land should be the first care of Government and European education should come for consideration after that.

Are not schools which are good enough for the sons of the noblemen of the country, for the sons of the Hon'ble Members and Ministers, good enough for European boys as well? There is no provision for the

education of the poor raiyats, labourers and backward classes in the village and Government plead insufficiency of funds for their failure to introduce compulsory free primary education in the country; but for all that they are able and willing enough to spend money lavishly for establishing schools for Europeans in the hills and jungles!"

(At this stage the Hon'ble the President informed the member that his time was up and asked him to resume his seat, which he did.)

Mr. PRESIDENT: The time-limit has been reached and I must put the motions forthwith.

The motion of Babu Amarendra Nath Ghose was then put and lost.

The motion of Maulvi Asimuddin Ahamad was then put and lost.

2-45 P.M.

The following motion was then put and agreed to:—

"That a sum of Rs. 12,89,000 be granted for expenditure under the head '31.—Education (Reserved).'"

31.—Education (Transferred).

MINISTER in charge of DEPARTMENT of EDUCATION the Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur): On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 1,16,33,000 be granted for expenditure under the head "31—Education (Transferred)."

Babu SARAL KUMAR DUTT: I beg to move that the demand of Rs. 17,500 under the head "31 A—University—Grant towards the salary of the Vice-Chancellor" be refused.

I do not like to make a long speech on this question. I shall only raise a few points for discussion. The provision for the salary of the Vice-Chancellor of the Calcutta University comes as a surprise. We don't understand what changes in the circumstances had led the Hon'ble Minister to make provision for such a salary. Since the creation of this University, the post of the Vice-Chancellor has been an honorary one and men like Sir Ashutosh Mukherjee and Sir Gurudas Banerji, the best brains of Bengal, worked as honorary Vice-Chancellors in the past. There is no reason why the Vice-Chancellor will have to be paid now. Best brains would perhaps like to serve the University without any pay. The spirit of sacrifice for a public cause has not yet evaporated from Bengal and eminent and worthy men of present day will be quite willing to devote their time and energy to the cause of education in spite of the heavy demands upon their time and energy for multifarious work. The present incumbent even has declared that if

reappointed he would make over his salary to the University. Even this gentleman shows his readiness to forego his salary and this clearly shows that there will be no dearth of suitable and worthy men to come forward to serve their Alma Mater in an honorary capacity.

Since the death of Sir Ashutosh Mukherjee, a policy of officialisation has been steadily going on in this University. The constitution affords ample room for such officialisation and a paid nominated Vice-Chancellor will be like the Director of Public Instruction, an official expected to be responsible to none but the Government which nominates him. He will thus be in the leading-strings of the bureaucracy and turn the University into a wing of the Secretariat and will not hesitate to act sometimes to the great detriment of the interest of education. Sir, even if we want a paid Vice-Chancellor, he must be an elected officer of a Senate which will be more democratic than the present one. Election by a Senate which has 80 per cent. nominated members is equivalent to nomination by the Government. So the Senate will have to be democratised before we can have a salaried Vice-Chancellor.

Sir, nowhere outside India, the administration of a University is allowed to be unduly interfered with by the State. It has been universally admitted that such control is pernicious to the healthy growth of a University. Statecraft and politics will foul the pure atmosphere of education and the freedom and autonomy of the University will be no more. The tight grip of the Government on this University is being resented by all. Dr. Pramathanath Banerjea has introduced the Calcutta University Bill aiming at giving freedom and democratising the constitution. Unless and until the fate of that Bill is finally decided, we cannot vote for such a salary. The Vice-Chancellor of the Bihar University was at first, under the new regime, a paid officer. But this experiment was a hopeless failure and the office now, however, is an honorary one.

The salary itself, Sir, I can assure you, is not sufficiently handsome and will fail to attract first-class men of worth and merit. The Calcutta University Commission recommended a High Court Judge's salary to attract men of similar status and calibre. But the budgeted salary is sure to invite mediocrities with no spirit of independence in them and they will not be able to maintain the freedom of the University.

There is another point to be considered. The Director of Public Instruction of Bengal draws at present a salary of Rs. 2,800 per month and an over-sea allowance of more than £13. So, he gets more than the Vice-Chancellor's proposed salary and we are afraid that men of mediocre merit, when appointed as a Vice-Chancellor, will fail to resist the domineering hand of the Director of Public Instruction, who is a better paid officer in the department.

Lastly, Sir, comparatively well-paid offices in India have a peculiar tendency to draw Europeans to the exclusion of equally or better qualified

Indians, especially when these offices are in the gift of the Europeans. Since its inauguration, the Dacca University has had a paid Vice-Chancellor and the Vice-Chancellor has been invariably a Britisher. The only paid Vice-Chancellor of the Bihar University, if my memory does not play me false, was a European. It is not unlikely that a paid Indian Vice-Chancellor will give place to the paid European Vice-Chancellor in the near future.

It is not clear why Government should think fit to spring a surprise on the Council by budgeting the salary of the Vice-Chancellor for seven months. I understand that this University is not financially solvent as the sister University at Dacca. The Calcutta University will have to face a financial crisis very soon. So it is certainly better that Government should spend the sum budgeted for the salary of the Vice-Chancellor for the general improvement of the University than allowing one man to be benefited by it.

3 P.M.

Mr. PRESIDENT: I find that this motion and the motions standing in the names of Babu Jitendralal Bannerjee and Babu Manmatha Nath Roy are identical. So, these motions need not be moved separately and I would like to have one discussion. Mr. Bannerjee and Mr. Roy can speak in support of Saral Babu's motion if they choose to do so.

Dr. BIDHAN CHANDRA ROY: On a point of order, Sir. The Hon'ble Minister has not been pleased to give us his arguments for putting this grant in the Budget. May I inquire whether if Mr. Lindsay says anything on the motion, shall we be allowed to speak after he has spoken or his speech will be regarded as the final speech?

Mr. PRESIDENT: I quite understand your point, but I cannot presuppose whether the Hon'ble Minister will reply or Mr. Lindsay will speak on behalf of the Minister. I shall have to wait and see. If the Hon'ble Minister would not speak and would authorise Mr. Lindsay to speak on his behalf, by way of reply, I think his speech should be the last on the debate.

Babu MANMATHA NATH ROY: The motion before the House is that the pay of the Vice-Chancellor at the rate of Rs. 2,500 per month be refused. Since the foundation of the University in 1857, for a period of over 70 years, the post has been honorary, and many notable Indians and Englishmen, Law Members of the Governor-General's Council, Chief Justices and High Court Judges and eminent non-officials have ungrudgingly combined the work of the Vice-Chancellor with their other ardous duties, and it was always recognised that the presence of such distinguished men discharging the duties of the Vice-Chancellor in an honorary capacity was a source of strength to the University. The present proposal is an innovation upon this policy which has worked with

success for the last 70 years; and when we look around and refer to events which have occurred recently in the University, the reason for this innovation is not far to see. It may be within the recollection of this House that about this time last year the attention of the members of this House was drawn to the fact that Government had recently succeeded in directing the policy of the University from the Secretariat. This policy of officialisation has made a rapid progress, and it is no wonder, and it is not a difficult task for Government with 80 per cent. of the members of the University nominated by Government. The present proposal is, I say, Sir, a part and parcel of this policy of officialisation, and it will enable the Government to consolidate the success which it has recently achieved in the University, and the University will for ever become a permanent annexe to the Secretariat. The Secretary draws a salary of about Rs. 3,000 a month, the Director of Public Instruction Rs. 2,800 and the Vice-Chancellor, with a salary of Rs. 2,500, who owes his appointment to them, will always sing to the tune called for by the Secretary and the Director of Public Instruction. The Government will have a plain sailing over the University for all time to come and freedom and the autonomy of the University will find their last resting place in the ante-chambers of the Secretariat. It is said that the work in the University has increased and it requires a whole-time man. This, Sir, is not always a true test. It is always the man that counts. The immediate predecessor of the present Vice-Chancellor, Sir Ewart Greaves, was a High Court Judge and, notwithstanding his arduous duties in the Court, he left a mark for the University. He brought about a reorganisation of the Postgraduate department, which occupied over 70 meetings held from day to day and successfully secured a solution of the differences of the Government and the University in the matter of annual Government grant to the University. May I inquire what is the work to the credit of the present Vice-Chancellor who, although not paid, is, as far as we are aware, a whole-time man? He has been the Vice-Chancellor for the last one year and eight months, and we have before us no evidence that he has carried out or attempted to carry out any work of real reform in the great problems now confronting the higher education in Bengal. Again, Sir, was the University consulted before Government placed this money in the budget? I divulge no secrets when I say that during the Vice-Chancellorship of Sir Ewart Greaves, Government had asked for the opinion of the Syndicate in this matter, and the Syndicate at that time—it was only about two years ago—only with one dissentient, the Assistant Director of Public Instruction, emphatically declared itself against this proposal. Was the present Vice-Chancellor consulted? We hear it reported that the present Vice-Chancellor has refused to accept any salary, but that leaves us in the dark as to what has really happened behind the scene. It is true that the Calcutta University Commission had recommended a paid Vice-Chancellor, but that was for the reformed University after the

uendations of the Commission in the various departments of the University had been carried out. Besides, this recommendation was saddled with two important conditions. In the first place the Vice-Chancellor is to be appointed by the Chancellor only after the report from the executive council of the reformed University, which corresponds to the present Syndicate. This is a very very important condition, and there is no trace of it in the present proposal. Then, Sir, there is another important condition with which this proposal was saddled and to which reference has been made by Mr. Dutt, and that is that the status and pay of the Vice-Chancellor should be the same as that of a High Court Judge, and these are the words to be found in the report of the Commission. "In view of the complexity of the task of organising and directing the University and of representing it in negotiations with Government and with various educational bodies, it is of the greatest importance that the Vice-Chancellor should be a man of high academic standing, distinguished record and ripe experience. In order to impress in definite terms our sense of the high importance of this office and of the status and dignity which should be attached to it, we suggest that the Vice-Chancellor should receive a personal salary and an entertainment and hospitality allowance equivalent to the stipend of a High Court Judge." In this two important conditions we find sufficient safeguards against the dangers of the present proposal. The office of the Vice-Chancellor, Sir, to be frank, does not now enjoy the dignity and respect which had been associated with it in the past and I appeal to you, Sir, not to lower it, not to degrade it further.

Dr. PRAMATHANATH BANERJEA: Sir, I rise to give my whole-hearted support to this motion.

My objection to the provision of a salary for the Vice-Chancellor of the Calcutta University is three-fold. In the first place, I object to the proposal on the ground of economy. The present is a deficit budget, and any new expenditure that is proposed in a deficit budget can be regarded as justifiable if only such expenditure is absolutely necessary or unavoidable. For close upon three-quarters of a century, the Calcutta University has been served by many eminent Vice-Chancellors who have given their time ungrudgingly to the University in an honorary capacity. Is it now argued that self-sacrifice and devotion have become extinct? I hope this is not true. I know that there are many men eminent in various spheres of life who are still prepared to serve the University in an honorary capacity with devotion and zeal much greater than would be possible in the case of paid Vice-Chancellors. I come now to the question—Has the work of the University greatly increased of late years? If we compare the work of the University in the year 1927 with that in 1917, we find that there has been actually a diminution in the amount of work. In 1917, there were 59 colleges affiliated to the University; at present there are

only 53. The number of candidates who appeared at the examinations of 1927 was smaller than the number in the year 1917. Then as regards the area over which the work of the Calcutta University is spread, this has considerably diminished owing to the establishment of new Universities at Dacca, Patna and Rangoon. It is sometimes said that the work of the Vice-Chancellor is very heavy. I do not deny that the duties of the Vice-Chancellor of the Calcutta University are of a very onerous and responsible character; but if you look only at the time that is required for the performance of the work, I do not think it is very exacting.

3-15 P.M.

The routine work of the University does not take up a great deal of the time of the Vice-Chancellor. But if the Vice-Chancellor is a man of great ability—a man with high ideals and with ideas of reform—he may spend a good deal of his time for the good of the University. But such special work is not possible for a paid Vice-Chancellor. It is true that the work of the Calcutta University has grown enormously during the last ten years. But this growth has taken place on its teaching side, with which the Vice-Chancellor has very little to do. The post-graduate departments are under the control of two Councils, which have their Presidents.

So far as regards the first point, namely, the question of necessity. In this connection there is another matter which has to be taken into consideration. When our funds are limited, we have to consider the relative claims of various departments on them. The Calcutta University badly requires financial help. It would be a great advantage if this sum could be made available to the University for its general improvement. There are also other ways in which this money could be properly utilised. For instance, with the Rs. 30,000 which you want to spend on the Vice-Chancellor, you can establish 300 primary schools, which would go some little way towards solving the illiteracy problem in this province.

My second objection to the proposal is that it will bring the University into the quagmire of party politics. The Vice-Chancellor is, under the present constitution, appointed by the Local Government, that is to say, by the Governor acting with his Minister. Now, we all know that Ministers come and go rather too often. We know also what tussle takes place when the Ministers are afraid of losing of their seats. Political patronage is a very dangerous thing; it corrupts the person who uses it; it corrupts the person for whose benefit it is used; and it corrupts the whole atmosphere. Is it desirable that the Vice-Chancellorship of the University should be made a pawn in the game of party politics? I ask you to pause and consider.

In the third place, I object to the proposal in the interest of educational efficiency. Education is an affair of the people. However excellent the system may be, it cannot prove a success if it fails to enlist the sympathy and co-operation of the people. We all know what the views of the people are on this question. It has been said in the press that this is another attempt to officialise the University. Would it be right, then, to thrust this so-called boon on the University when the people are not in a frame of mind to welcome it? Then again, what would be its effect on the student community? A great deal has been said recently on the necessity of discipline in educational institutions. I have been engaged in educational work for well nigh a quarter of a century, and I should be the last person to look with favour upon any act of indiscipline on the part of the students. But in order to have a proper sort of discipline, you must work in a porper way. A discipline that is maintained by the rod and the baton is not the best kind of discipline. If you want to have proper discipline, you must influence their minds in the right way; and in order that you may be able to do so, those who are placed at the top of the educational system should be men who enjoy, in an unstinted measure, the respect of the students. Otherwise the educational system is bound to fail.

The proposal to have a paid Vice-Chancellor is, therefore, neither necessary nor desirable. It may be asked: "Why has it been brought forward by Government"? Possibly, it will be said that it has been brought forward because the Sadler Commission suggested it. My friend, Mr. Roy, has already pointed out that the Sadler Commission qualified the proposal with certain conditions. I may add that the Sadler Commission did not make this recommendation independently of other recommendations. It was a part of a general scheme of reconstruction, which in the opinion of the members of the Commission, would involve an expenditure of 68 lakhs a year and 63 lakhs non-recurring. Is the Government prepared to shoulder this huge burden? If not, why is the Government so anxious to give effect to one particular recommendation? The Sadler Commission wanted to reconstitute the University in a very complex fashion and, in order to bring about that reconstitution, the Salder Commission thought that it would be desirable to have a paid Vice-Chancellor. I quote their exact words. They said: "It is not enough to set up a series of Councils and Boards; there must be a chief engineer to see that all this mechanism works smoothly. This is the function of the Vice-Chancellor." The position, then, of the Vice-Chancellor, according to the Sadler scheme, would be that of the chief engineer. Now, where are the plans? Where are the materials? And where are the funds? Without providing for these, you are appointing a chief engineer. What is he to do?

It may also be argued that there is analogy elsewhere. Now I must confess that this question of analogy does not appeal to me, and

analogy is not wholly on the side of the Government in this matter. In Oxford and Cambridge, for instance, the heads of the different colleges take up the position of Vice-Chancellor by turn. They are not separately paid, although they are given small allowances in order that they may be able to perform certain social functions. In the teaching Universities of the British Empire, the Vice-Chancellors are generally paid; and this is also the case in the teaching Universities of India. But, as I have already said, the teaching part of the Calcutta University is not under the control of the Vice-Chancellor. In India, those Universities which are still under the old Act have unpaid Vice-Chancellors, and nobody has ever complained that they are unable to cope with the duties of their position. Sir Chiman Lal Setalvad has been performing the duties of the Vice-Chancellor of the Bombay University with remarkable success. In the Patna University, for a short time a paid man was appointed Vice-Chancellor, with the result that it proved a failure; and the people of the province wanted to revert to the old system. There was a great outcry against the paid Vice-Chancellor, but for the last few years Sir Sultan Ahmed has been performing the duties of an unpaid Vice-Chancellor with considerable ability. This shows that the position of a paid Vice-Chancellor is not always a satisfactory one. A friend reminds me of another University, namely, the Nagpur University, which has recently started work, and where the whole work of construction has to be undertaken by one man—the honorary Vice-Chancellor.

(At this stage the member reached the time-limit, but was allowed two minutes to finish.)

Before I conclude, may I address an appeal to the European group which consists of men who are able and independent, and who possess a great fund of common-sense? It is surprising to find that these members always side with the Government. They follow the lead of the Government benches blindly—I was almost going to use a stronger word. Let us hope that, on this occasion at least, they will side with us.

In the interests of educational efficiency, in the interests of economy, and for the purpose of preserving the purity of public life and of the educational atmosphere of the province, I urge all sections of this House to throw out this demand.

Babu SATYENDRA CHANDRA GHOSH MAULIK: Sir, in rising to support the motion for refusing the payment of salary to the Vice-Chancellor of the Calcutta University for which provision has for the first time been made in this year's budget, the first point that strikes me is the very unostentatious manner and, if I may be excused for saying so, the very surreptitious manner in which such a radical departure from the traditions of the past seventy years has been sought to be

introduced. Nobody knew anything about it, nobody in this province had the slightest suspicion that things had come to such a pass in Bengal, that no man could be induced to take up the most honoured function of the Vice-Chancellor of the premier University of India without the added inducement of monetary emoluments. Suddenly one fine morning, we come to learn that the Government in its benignity and generosity had chosen to confer upon us all the great blessing of a paid Vice-Chancellor. Possibly the coffers of the State are full to overflowing, for no one to my knowledge wanted a paid Vice-Chancellor; even the cantankerous agitators did not clamour for it. Yet, lo and behold! the boon is announced.

The Governments all the world over are not exactly famous for generosity; even if there be exceptions anywhere else, no one can accuse this Government at any rate of any philanthropic proclivities, for did not a quondam pillar of the Bengal Government once declare that Government is not a philanthropic institution? So when such miracles do happen, as in the present case, people get naturally a bit suspicious and they even venture to look a gift horse in the mouth.

2-30 P.M.

And so people have begun to attribute motives, possibly it is very uncharitable, but there it is. The Calcutta University is not exactly in its swaddling clothes, like the University at Dacca. It was ushered into existence as long ago as the year of the Indian Mutiny; and it has passed through the fairly long period of three score years and ten. And its career has during this long period been one of which any University may be proud. It is decidedly the premier University of India; and the biggest men in modern India, both Indian and European, have been its Vice-Chancellors. Sir Henry Mayne, Sir Gooroodas Banerjea, Sir Ashutosh Mukherjee, among other equally distinguished names, have presided over its destinies. But all this time, and even after its scope and activities have been greatly extended by the efforts of Sir Ashutosh Mukherjee, there was no necessity felt for having a paid Vice-Chancellor. Not merely that, but the other big Universities of India, with very few unimportant exceptions, are still presided over by distinguished citizens who serve in an honorary capacity. Madras, Bombay, and Punjab have honorary Vice-Chancellors. Even Nagpur and Patna, which are recent creations, have honorary Vice-Chancellors. Not merely that, what is more significant is that Patna started with a salaried Vice-Chancellor, but subsequently abolished that innovation and reverted to the more honourable and dignified practice of an honorary Vice-Chancellor. When this is the practice, practically throughout India, what necessity has arisen in Bengal, of all provinces in India, of introducing this innovation, which will inevitably have the effect of curtailing still more whatever

little independence the University at present possess? For the old adage runs, who pays the piper calls for the tune. And so a nominated Vice-Chancellor who gets a good round sum for his post will naturally dance to the tune of his masters. And no able and independent man will care to come in for the Vice-Chancellorship. And this most important and responsible office in Bengal, for on the policy and character of its incumbent depends to a very great extent the course of education in this province, will be a lollipop to dangle before the dazzled eyes of unprincipled place-hunters and a very convenient bait in the hands of unscrupulous Ministers to manipulate according to the exigencies of ministerial politics.

I know the usual plea of heavy work and onerous duties will be trotted out, *viz.*, that the work of the Calcutta University is so heavy and complicated, that you must have a whole-time man to run the show and you cannot get the services of a whole-time man without paying for it. But is that really so? The work of the University, including the teaching function, is heavy no doubt, but the Vice-Chancellor, in the normal order of things, has very little, at any rate ought to have very little, to do with the routine business. The tradition of one personality dominating the whole show and looking into the minutest details of every day administration which was initiated by Sir Ashutosh Mukherjee is a most undesirable tradition and should certainly go. There is the Post-graduate Council to look after the post-graduate teaching, there is the Controller to look after the examinations, and then there is the Registrar to look after the general administration; the Vice-Chancellor need not bother his head about details; his business should be to formulate broad policies, to exercise general supervision, so that the atmosphere of the University may be clear and its affairs above suspicion. And for this purpose independent men of wide outlook and imagination versed in the affairs of men and things, are required for this responsible post of Vice-Chancellor and not time-serving opportunists pining for a comfortable job. And finally, who has informed the Government that, even assuming that the Vice-Chancellorship entails most onerous duties, Bengal has been tried and found wanting? Has the public spirit in Bengal fallen so low, that her distinguished citizens will not be coming forward to shoulder the responsibilities of Vice-Chancellorship of the University of Calcutta? Most assuredly not. Our distinguished educationist and savant, Professor Jadunath Sarkar, the present Vice-Chancellor, has nailed that lie to the counter. He has publicly announced, and all honour to him for his patriotic announcement, that he at any rate does not require the inducement of any salary for working in the cause of his *Alma Mater*. And even if Professor Sarkar has not his term of Vice-Chancellorship renewed, I know that there are any number of public-spirited men in the province, both Indian and European, who are ready to take up this honourable burden.

And consequently it is as clear as daylight, that the Government have not a shred of justification or even necessity in coming forward with its proposal of having a salaried Vice-Chancellor. The motive of this move is plain; it is entirely sinister; it will render the University even to a greater degree an annexe of the Secretariat than it already has the misfortune to be, on account of its hide-bound reactionary constitution. And this move must be countered, in the best interests of the educational future of our motherland. With these words I beg to support the motion.

Mr. W. C. WORDSWORTH: Sir, let me first reply to Dr. Banerjea's question about the attitude of the European group. This is no matter of group discipline; the group will vote as it pleases, and though I am not instructed to say how individual members will vote, I am aware that there is on this side much sympathy for the motion. If I am myself prepared to vote against it, it must not be taken that I wish to see a paid Vice-Chancellor. I fully share the sentiment which animates most members who have to deal with University affairs. For three-quarters of a century we have been served by men who were prepared to put their intellect, health, strength and time at the service of the University, and I myself would like to see this continued for ever. If I thought that the proposal of Government meant that after a few months there will be, there must be, and there shall be, a paid Vice-Chancellor, I should use my vote against Government's proposal. But as I interpret it, this is only an emergency proposal. I have not discussed the matter with any officer of Government and I know no more of any inner intention than any member on either side of this House, but I can see that it is getting more difficult to persuade men of the necessary capacity to undertake the honourable, the distinguished, but the very exacting duties of the Vice-Chancellor's position. We have been served by very many Vice-Chancellors, one of whom will always be supreme above all others in our memories, who has been referred to to-day. Many Vice-Chancellors have served the University with distinction and devotion, while also performing admirably the duties of whatever other appointment or avocation was theirs. Some, it is rumoured, solved the difficulty by giving to the University the devotion that in part should have been devoted to their other duties, and, if it were not treason, I might say that there have been rumours that at times some solved the difficulty by neglecting both sets of duties. I should like to see the present system continued, but what are the facts? We can all of us think of a small number of men, who in every way are qualified to fill this distinguished post; men with scholarship and academic attainments ready to give their time and strength to the work. But the number is smaller still of those who will be able to find opportunities

of serving the University, unless they are relieved of some of their ordinary avocations. I, therefore, am prepared to oppose this motion only in that sense, that if it is inevitable, we must make the necessary provision. The essential thing is not that we shall have a paid Vice-Chancellor, not that we shall have an unpaid Vice-Chancellor, but that we shall have a competent man who will carry on the work in the spirit in which it has been carried on. If he receives a salary, it will be a comparatively small salary, smaller than some other educationists of less exalted status are receiving. I do not think the mere fact that he receives a salary is likely to impair his devotion or to reduce his status in the eyes of pupils and professors.

One point more I should like to touch on. It has been suggested that this appointment might be used by Government for patronage in the worst sense. I doubt whether we need take such a suggestion into serious consideration. Not every man can be thought competent in any circumstance of carrying on this work and, if Government decide for purposes other than educational, for purposes other than the interests of the University alone, if Government select a Vice-Chancellor and pay him for any meaner motive, then I am sure the province of Bengal would rise at once in reprobation and, I assure you, that the European group would be as loud in its condemnation as any other.

Babu RADHA GOBINDA RAY: Mr. President, I rise to support the motion of my friend, Babu Saral Kumar Dutt, with a sense of very deep conviction of the principle upon which he is fighting. Sir, I do understand that nowadays the duties and responsibilities of Vice-Chancellor have become so very heavy and complex, that it is very difficult for an honorary officer to shoulder it with ease. A highly-paid officer, having no other pre-occupation, should be in sole charge of this position. Sir, the reason is very cogent and I, for my part, would have gladly supported the idea, had the department concerned been an ordinary department; where the question of efficiency, the prompt discharge of routine duties, were the main things for consideration. Sir, the post of a Vice-Chancellor is not like an ordinary administrative post—it is the post of an educationist, a thinker—a thinker enunciating and formulating the principles of education for the province of Bengal. It is the post for a philosopher, having a practical outlook. A practical philosopher, having the power to balance and equipoise the two sides of human activities, namely, thinking and acting, is the fitting claimant of this responsible position. Sir, this department of education we should in no way vitiate by importing the question of pound, shilling and pence.

Sir, the most weighty reason that leads me to request my fellow-members against the idea of attaching any money value on this sacred and noble office, is the question of "freedom," a paid man must play to the tune which his master likes. Half of his thinking activities will be directed to find out the real person or persons whose wish he is to work out. He will naturally try to learn the art how to best please his master. He will search about the principle which is his pay-master's choice. In short, he is likely to import in this department all the gross imperfections which paid servants cannot avoid.

I do know, Sir, that there are departments in existence where principles of freedom are observed by highly-paid officers. I know that the Hon'ble Judges of the High Court, though they are paid officers, have kept the atmosphere of freedom in the domain of Justice. But, Sir, the two fields are quite different. The department of justice is naturally free and the preservation of the genuine safety of this department is comparatively easy. But, Sir, it is not so in the department of education. The education must be kept completely free.

Sir, I have closely watched the workings of the Calcutta University, since the time of the great Vice-Chancellor—the late Sir Ashutosh Mukherjee—the distinguished educationist, who made the office of Vice-Chancellor really glorified. I had been a student then. Since his retirement, Sir, I have watched with great reluctance the systematic attempt to encroach upon the liberties of the sacred precincts of the Calcutta University, and men have been deliberately chosen to fill the post of Vice-Chancellor who may not be able to defend the principles of freedom with as much braveness as the "Bengal Tiger"! All honour to some previous Vice-Chancellors! They have tried to keep the tradition of their great predecessor. But, Sir, it cannot be ignored that there is gradual deterioration of "freedom" in the administration of the Calcutta University, and also in enunciation of the principle of freedom, till we are now faced almost with an official University. To make the bondage of slavery complete, we have this year the slave's provision in the shape of Vice-Chancellor's salary. Sir, I have watched with great reluctance the retrospective view of education according to which the Calcutta University affairs are now being managed. The result you can very well see. Within a few years, the great onrush of students, owing to the unheard of impetus which the late Sir Ashutosh gave to education by his extremely liberal principle, has now ceased. I have been told, Sir, that in the year 1921 about 20,000 students appeared in the Matriculation Examination, whereas this year it has come down to 10,000 or less. The students in the past rushed for admission into colleges and they were refused for want of seats, but nowadays many colleges are really handicapped for want of students and consequently for want of funds.

Sir, the argument is adduced that the problem of unemployment and not the administration of the University is really the cause for this decrease of students. This argument is certainly futile. The argument may have some force in case of higher costly college education, but in case of secondary education it holds no water. Once the real value of education is appreciated in a family, it will certainly try to make its members educated in spite of the less money value of education, provided the means of the family permit.

Sir, I request my fellow members to judge the question from the view-point of education. I assert with full conviction, that in no case, in a dependent country, can the cause of education be entrusted to a paid man. The University must remain free. The sacred portals of the University should in no case be allowed to be occupied by a mercenary head—having no freedom.

Sir, I suggest that political considerations may be at the bottom of this move on the part of the Government. The Government which constantly ignores thousands of urgent necessities of the poor people of Bengal feels no hesitation to sanction a large sum of money for a post which is being occupied by an able unpaid man without any serious complaint. Sir, the student community of Bengal are the greatest national assets, and the Government wishes systematically to exploit the student population of Bengal through the University. The University having a paid Vice-Chancellor—an official—a bond slave —will be the fitting instrument for carrying out this project. We cannot and should not be a party to help such things to happen. Sir, Bengal has not become so poor that she cannot afford to supply honorary Vice-Chancellors. Some educationists having a free and broad outlook on educative principles will always be available to work without pay as Vice-Chancellor, however onorous and heavy the responsibilities of the post may be. The Vice-Chancellor should be selected without any prejudice of his political ideas. The temple of education and learning and culture must be free, pure and sacred. A free man, a noble man, having good ideas, should be allowed to work out the principles of education without any hindrance from outside and prejudice and bias from inside. I assert with great conviction that such honourable able educationists will always be available in Bengal without any salary. Salary to such men will be an insult and an indignity. The ideal of work without remuneration in the sacred department of culture shall be aspired in Bengal for a long time to come. This system, inaugurated long ago and worked out by the late Sir Ashutosh, has created traditions which will draw forth men of real culture and spirit to keep them going and for a future generation to emulate. Sir, with these words I support the motion that the demand for Vice-Chancellor's salary be refused.

Babu SACHINDRA NARAYAN SANYAL: I rise to support the motion for refusing a salary of the Vice-Chancellor of the Calcutta University. I do so on the following two grounds:—

(1) that the proposal is premature in view of the fact that the Calcutta University Act has not been amended in order to justify the present departure; and

(2) that the salary proposed to be attached to this office by the Hon'ble Minister falls far short of the recommendations of the Sadler Commission and is utterly inadequate.

Sir, since the foundation of the Calcutta University in 1857, this office has been an honorary one and has been occupied by eminent persons, *viz.*, Chief Justices of the High Court like the late Sir Francis Maclean and others, wellknown High Court Judges like the late Sir Ashutosh Mukherji and other, eminent lawyer like Sir Deva Prosad Sarbadhikari, celebrated physician like Sir Nilratan Sarkar. A veteran educationist, Professor Jadunath Sarkar, the present incumbent is also ungrudgingly serving his *Alma Mater* without any salary. Hence by making this innovation does the Hon'ble Minister want to prove that the spirit of sacrifice which actuated and still actuates the distinguished sons of Bengal to serve the cause of educational advancement has at last evaporated from this province and that nobody can be found now to serve his *Alma Mater* without any salary? I for one refuse to believe this suggestion!

Next, Sir, the salary as has been fixed by the Hon'ble Minister is less than that enjoyed by even the Director of Public Instruction or the Education Secretary. Such a low salary will not, I am sure, attract first-rate people to accept this high and responsible office and as a result mediocrities or third-raters will be appointed who will play in into the hands of officials. If the Hon'ble Minister had any sense of proportion, if he had any mind to reserve this post for first class men, he would not have ignored the recommendations of the Sadler Commission and fixed such a low salary for the Vice-Chancellor.

Sir, I say in conclusion that the present decision is a retrograde step on the part of the Hon'ble Minister. At a time when there is no dearth of eminent persons to occupy this high office without any salary I fail to understand why the Hon'ble Minister is so anxious to provide for the Vice-Chancellor's salary. He could have at least waited till the passing of the University Bills presented by Messrs. Roy and Banerjea. I would, therefore urge upon the Hon'ble Minister to withdraw his motion in view of united popular opposition against the reactionary proposal. With these words, Sir, I oppose the demand of the Hon'ble Minister.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I rise to oppose the motion which has been moved by Babu Saral Kumar

Dutt. In doing so I should like to point out this: that the idea of appointing a salaried Vice-Chancellor had originated long before I took over charge of office as Minister. The scheme was sanctioned by the old Government long before this Ministry came into existence. Sir, the idea of having a salaried Vice-Chancellor arose from the recommendation of the Sadler Commission. Sir, my hon'ble friends to the right will pardon me if I would say that so far as the question of the salary of the Vice-Chancellor is concerned, it is not at all a new question. Sir there are salaried Vice-Chancellors existing in many other provinces, and Dacca is one of them. But my hon'ble friends might say Dacca is a residential and teaching University. Well, Sir, I would point out to my friends that all the Universities in Madras, Lucknow, Agra and Mysore have got salaried Vice-Chancellors. Therefore, Sir, I say that this is not a new thing for India.

Dr. PRAMATHANATH BANERJEA: On a point of personal explanation, Sir.

Mr. PRESIDENT: I am afraid you cannot do that at this stage.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: My friends will say that here in Calcutta there are many prominent men who would be willing to act as Vice-Chancellor without any salary. But I would ask them seriously to consider whether it is possible for an honorary Vice-Chancellor to discharge his duties as efficiently as it could be expected of him to do. Of course there were men like the late Sir Ashutosh Mukherji. But Bengal has not produced many Ashutosh Mukherjis; and if my friends say that there are any number of Sir Ashutosh Mukherjis, I am afraid my hon'ble friends are sadly mistaken and are entirely labouring under delusion. I have been told by several persons that a Vice-Chancellor cannot command influence in the Senate and the Syndicate owing to his not being able to give whole attention to his duties. Therefore, Sir, a whole-time salaried Vice-Chancellor is a necessity so that he may devote his whole time and attention to the work of the University and may thus command the confidence of the Senate and the Syndicate.

4 P.M.

If you want first rate men—men like late Sir Ashutosh Mukherji—who are ready to offer their services without any remuneration to the University, there may be very few such men, but I say that this is an exception to the general rule. I have already told this House that this is not a new thing in India. Madras, a very advanced province, has got a salaried Vice-Chancellor, and if we follow Madras, I think we would not be doing a very improper thing. My friend, Mr. Roy, has read out certain remarks from the Sadler Commission Report about the pay of

the Vice-Chancellor, and I do not want to repeat it. Sir, I want to put before the House a simple argument, and it is this: if you want to run a machinery, you must have an Engineer. He must be a man of merit, he must have a thorough knowledge of his work and he must devote his whole time and attention to the working of the machinery. Sir Michael Sadler and his colleagues all agreed with the idea that the Vice-Chancellor must be a whole-time man and not a part-time man as my friends want him to be, and as he must be a whole-time man, he must have a salary too.

As regards the inadequacy of the salary that has been proposed, we have fixed it at Rs. 2,500 after ascertaining what salaries are offered to the Vice-Chancellors of the Universities of Madras, Lucknow and Allahabad, and I think this is quite adequate for the purpose for the present. But when the University is reconstituted on the lines of the Sadler Commission recommendations, I must admit that the pay should be increased corresponding to what amount of attention and energy would then be necessary for the Vice-Chancellor to devote. Sir, this grant is meant only for seven months' salary, it is not for the whole year, and in the course of the next five months we are expecting to bring before the House a Bill with as much regard to the recommendations of the Sadler Commission as is possible. If at the time of the passing of that Bill, you think that the pay of the Vice-Chancellor ought to be increased, it will be the duty of Government to seriously consider your proposal. At present we are only to think of the thing as it stands, and we are to provide a salary for the Vice-Chancellor in accordance with what is given in the other Universities in India. I think that meets the objections that have been raised by several speakers about the inadequacy of the salary.

One thing I want to impress upon this House and it is this: if you want to do business and if you want to do it efficiently and well, do not hand over that business to a part-time man. Give it to a full-time man who will devote his whole time and attention to your business and make it a success.

Dr. BIDHAN CHANDRA ROY: Sir, my friend, the Hon'ble Nawab Musharruf Hosain has asked us a good many times to "see," but I fail to see anything in what he has said to justify the grant that has been put before the House. My first proposition is—who brought this grant before us to-day? He has repudiated the idea that he is the originator—the father of this proposal. Then who has done it? I do not know, Sir, and I am not in the secrets of Government. I do not know how these grants are put in the budget. I have always been told that the Finance Department are very strict in these matters. When a particular department wants a particular sum of money it has got to satisfy the head of the department who in his turn has got to satisfy the Member-in-charge and the Finance Department. This is a matter

which concerns the Calcutta University alone and no one else. My friend the Hon'ble Minister is an *ex-officio* Fellow of the University since August last. His only achievement so far as the Calcutta University is concerned is that he was present at one meeting where he spoke nothing and where he voted in no way—I do not know whether he saw anything on that day. Mr. Lindsay is also an *ex-officio* Fellow of the Calcutta University. I have never heard him speak in the University Senate meeting at all, nor have I seen him take any interest in University matters except to control the Government vote during election, and therefore I fail to see whose interest it is to bring this motion before the House. The Calcutta University has not applied for a paid Vice-Chancellor. On the other hand, may I refer my friend the Hon'ble Nawab Saheb to a motion which was moved in the Calcutta University Senate on 29th June, 1920. When the Calcutta University Senate was considering the University Commission's Report Dr. Brajendranath Seal moved that the following resolution, adopted by the Senate in Committee, regarding the recommendations of the Committee appointed to deal with the Report of the Calcutta University Commission, be confirmed. The first recommendation was that the Vice-Chancellor should not be a salaried whole-time officer, and this was passed without a division and without any opposition in the Senate. Therefore, the Calcutta University Senate in the year 1920, when the labours and recommendations of the University Commission, was fresh before the minds of the members, negatived the idea that there should be a salaried whole-time officer. If my Hon'ble friend will look into the big files in his own department he will probably find that there was a similar proposal put forward before the Calcutta University Syndicate by Government 2½ years ago, and as Mr. Manmatha Nath Roy has stated it was negatived by the Syndicate. And why was it? My friend the Nawab Saheb has mentioned the cases of several Universities where there are paid Vice-Chancellors, and has also referred to the machinery of the Calcutta University, the work of which requires to be carried out. I am afraid, Sir, the Hon'ble Minister does not understand the machinery of the Calcutta University at all. Until 1912, the Calcutta University was mainly an examining University and then it gradually began to take up certain duties of teaching and in the year 1917 the Post-Graduate Department came into existence. In those years—years of transition—so far as the activities of the Calcutta University are concerned, a great deal of work was required of the Vice-Chancellor. I see before me, Sir, the hoary headed gentleman, Sir Deva Prosad Sarbadhikari—who was in those years guiding the destinies of the University and I also remember how often we used to meet together to discuss about the organisation of the Post-Graduate Department and how he and other members of the Senate conscientiously put their shoulders together to carry it into effect. Since that day the Calcutta University is greatly modifying its activities and what at the present moment it

does is this: It has got one department which is concerned mainly with the examination of students, which is controlled by a highly paid officer, the Controller. It has another department which is concerned with teaching which is called the Post-Graduate Department. These Post-Graduate Departments each, are under the control of an Executive Committee and an Executive Council presided over by two Presidents—one the President in Science and the other the President in Arts. The President in Science and Arts for the last 2 years has been Sir Nilratan Sarkar who—as the Hon'ble Nawab and everybody knows—is a very busy physician and yet he found time to organise the work of these two departments in the beginning from day to day for the last two years. At the present moment he is still the President of the Post-Graduate Council in Science and Professor Radhakrishnan, in spite of his duties as Professor of the University, is presiding over the Post-Graduate Council in Arts. We may be told later on that these gentlemen should also be paid because if it is a business then we cannot have a man to pay his whole attention to it unless he is paid for. I know that the Hon'ble Minister is a businessman and as such he understands pounds, shillings and pence, but I may tell him that in the Calcutta University we have never regarded pounds, shillings pence as the whole *sine qua non* on which a person's attention should be directed before he can give his best to the work of the Calcutta University. He has mentioned the cases of several Universities where the Vice-Chancellors are paid. I have already said that he does not understand the machinery of the University and therefore he has been made to make this statement without caution. He has mentioned the case of the Allahabad University. The Allahabad University is a unitary teaching and a residential University.

The Hon'ble Nawab MUSHARRUF HOSAIN: What about Madras?

Dr. BIDHAN CHANDRA ROY: I am coming to it presently. The Madras University has gone a little further than the Calcutta University. In Madras there are 14 constituent colleges within the University area—the Calcutta University has no constituent colleges.

[A VOICE: He does not understand what is meant by "constituent colleges."]

Dr. BIDHAN CHANDRA ROY: I do not know whether it is necessary for me to tell the members of this Council that when the Calcutta University Commission's Report with regard to that portion which deals with the colleges is given effect to, the colleges will be divided mainly into constituent colleges and affiliated colleges. It was never the intention of the Commission to allow any college ultimately

to remain outside the University. Every college should be part and parcel of the University and that is the meaning of a constituent college, and if there are constituent colleges, naturally they will require the attention of an officer who has got to devote his whole time and energy; and when the conditions proposed by the Sadler Commission are enforced, let the Hon'ble Nawab come back with his proposal. He has mentioned the Lucknow University. The Lucknow University is designed to be a unitary and residential University. He has also mentioned the Dacca University which everybody knows is a teaching and residential University. Perhaps the Hon'ble Nawab does not know what he is asking for. He said, "you have the machinery and you must carry on the work." What is the proper work of the Vice-Chancellor at the present day? The Calcutta University works through different departments. As I have already said, the Post-Graduate Department is under the control of two Presidents—the Examination Department is controlled by a very highly paid officer—the Controller of Examinations—who with the assistance of the principals of colleges and headmasters of schools carry on the examinations every year. Then there is the Registrar's Department which has got its own rules and regulations under which it has been working for the last 50 or 60 years. And more than that the functions of the various departments have been reduced to such an extent at the present moment that cases which come up before them are disposed of more or less as a routine measure. The Vice-Chancellor's primary duty at present is to see that the different departments of the University are adjusted one to the other, that they can co-operate without much friction and settle such points of differences that may arise in the working of the University. Dr. Pramathanath Banerjea has mentioned about the work of the Calcutta University and that of the Vice-Chancellor. May I also mention the fact that the University under the present system has become smaller in its area owing to the establishment of the Rangoon and Patna Universities, and such being the case, the work of the Vice-Chancellor has lessened. It is a well known secret that the Secondary Board of Education is on the legislative anvil and as soon as that comes into force the work of the University so far as colleges and probably intermediate classes are concerned will also be removed from the influence of the University. If that is going to happen what is the necessity at the present moment to ask for a salary for the Vice-Chancellor?

There is another point to which I must refer. Being in charge of the finances of the Calcutta University I know I have met with great difficulty in scraping together a rupee here and a rupee there in order to meet the ordinary expenses, to have a provident fund and give compassionate allowances to the family of persons who have served the University well and faithfully for a large number of years and who die in harness. Every time we have got to find out ways and means to give a little relief. At the same time the present Vice-Chancellor is not

anxious to have a salary even if a salary was provided for the post. While we are in such financial difficulties, while we are giving effect to an arrangement arrived at by the Government for a transition period of five years which ends up in 1930, I do not see any reason why the question of payment of Rs. 30,000 to a particular individual of the University has come up when the other important portions of the University are being starved and, I say, deliberately so. Therefore, Sir, it is my duty at this stage to inform the members of this Council that before they give a vote, they must think that they are doing something that the Calcutta University has not recommended. The Calcutta University never asked for the Vice-Chancellor to be a salaried officer. When the establishment of constituent colleges are decided upon, when there are different colleges which are to be remodelled, this proposal may come before the University and that will be the time for Government to make this proposal.

Lastly, on behalf of the University, I have got to refer to this point that while the question of the salary of the Vice-Chancellor is put before the Council, the Senate was never asked to give its opinion on the subject. This I consider a cruel infringement on the freedom of the University for which we, under the guidance of the late Sir Ashutosh Mukherjea, fought and will fight to the last. I ask if it is a proposal which the Government thinks is a very urgent one, why on earth did they not take the University into confidence? Probably Government dared not, in view of the definite declaration by the Senate with regard to the salary of the Vice-Chancellor in their resolution of 1920. With these words I strongly oppose the motion for the provision of a salary for the Vice-Chancellor of the Calcutta University.

[At 4-25 P.M. the Council was adjourned and it reassembled at 4-35 P.M.]

Babu NAGENDRA NARAYAN RAY: On a point of personal explanation. Yesterday when the division was called, I went through the "Noes" lobby but I am informed that my name appeared in the "Ayes" list. I did not go into the "Ayes" lobby.

Mr. PRESIDENT: Your statement will be recorded in the proceedings as usual.

Mr. JOGESH CHANDRA GUPTA: On a point of information only. Before we decide as to what way we should vote in this matter, we would like to be told if the Vice-Chancellorship has already been offered to some gentleman by the Hon'ble Minister. If that is so, we, at least some of us, do not wish to embarrass the Minister by recording a vote against him.

Khan Bahadur Maulvi AZIZUL HAQUE: At the very outset I must say that I am in favour so far as the principle is concerned, that the present Calcutta University, as it stands, should have a salaried Vice-Chancellor. But I am afraid I am opposed to the present way in which the grant has been provided, and with this object in view I support the motion which has been just moved by my friend, Babu Saral Kumar Dutt. I am making a statement at the very beginning that so far as the principle of the pay of the Vice-Chancellor is concerned, I personally have considered its *pros* and *cons* and after considering all the aspects of the question I think we should have a salaried Vice-Chancellor. My first objection is that this is a momentous question affecting the University, the Government of Bengal and the public, and on an important measure like this the Hon'ble Minister should have considered it necessary to make provision in the budget for the salary of the Vice-Chancellor without even consulting the Standing Committee for Education.

4-45 P.M.

I think I can put it as a piece of information to the members of this Council, so far as this question is concerned, that in not a single meeting of the Standng Committee that was convened was the question put before it. Even though last year the Standing Committee had before it the important question of primary education it had nothing with reference to the Calcutta University. I only appeal to the Hon'ble Minister to tell us whether this is the way in which he means to carry out the principles of reforms which were first enunciated in the Reforms Despatch and subsequent letters which came along with it. I would at the same time say that I do not see eye to eye with the Hon'ble Minister as to why a salary should be paid to the Vice-Chancellor of the Calcutta University. We are out for Indianisation of the services and I think Indianisation has got no meaning if it will not mean less expenditure so far as Government expenditure is concerned. We have always been crying that the administrative expenditure is too much and if we take the standard that Government have laid down for the payment of salaries, I will say, it is a dangerous principle to start Indianisation with at the very outset. I think Rs. 4,000 is the maximum which can be fixed as the salary of the Vice-Chancellor, but on the other hand I do not think there is any other post under the Government of Bengal with which the Indians are concerned which should carry a pay of more than Rs. 2,000, and that is the very first principle which should be laid down as the basis of all new experiments which may be started. With that point in view, even though I do not see eye to eye with the Hon'ble Minister, I do admit that so far as the Vice-Chancellor is concerned the word "salary" may be substituted later on, if a proposal be brought in, by something like an allowance so that the question of salary may be given the go-by altogether.

There is also another observation which I wish to make. I would say that the question of granting a salary to the Vice-Chancellor is a very important one and it ought to be discussed from every point of view. I think we had been so very busy with the ministerial question that we had hardly any time to consider the *pros* and *cons* of the Vice-Chancellor's salary. I must frankly admit, coming as it does in the budget, that it has taken me almost unawares and that if we mean to do any good with the three hours allotted for this subject we cannot possibly have even a decent discussion on the question.

My friend Dr. Bidhan Chandra Roy said that the Calcutta University was not consulted and also the Standing Committee on Education had not been consulted. I find that it has been put as one of the many items to be discussed within a small interval of three hours. Even though I am in favour of the salary of the Vice-Chancellor I appeal to the Hon'ble Minister in charge of Education to withdraw this demand for the salary of the Vice-Chancellor for the present and to bring it as an independent measure along with other Bills which are coming or with the Bills he might himself think of bringing at a later period of the year. With this end in view I have consulted my colleagues so far as the salary of the Vice-Chancellor is concerned. The opinion is equally divided and I appeal to the Hon'ble Minister not to push this measure at this stage and quite so suddenly and come to a conclusion.

There is also a strong reason why this question of salary should not be taken as an isolated item. I think the Hon'ble Minister knows that the Muhammadan community have a chronic grievance against the Calcutta University. We think, the Muhammadan community think, that the question of the constitution of the Calcutta University should be taken up before any substantial change is made in it.

For these reasons I do submit that so far as the salary of the Vice-Chancellor is concerned the demand be withdrawn by the Hon'ble Minister.

Sir ABDUR-RAHIM: The matter has been fully discussed and I do not think I can throw much further light on this question. I only wish to say that I had an occasion to study the Sadler Commission's report and I had occasion to sit in conference after conference relating to the Calcutta University where and how it should be improved, whether it ought to make other arrangements for secondary education and many other very difficult and complicated questions were discussed. I only wish to say this to the House that I have come to a definite conclusion that having a paid Vice-Chancellor in the Calcutta University will not serve any useful purpose, on the other hand it will reduce the dignity of that office. I do not think it is necessary to discuss the matter any further. I, therefore, support the motion for the refusal of the demand.

Mr. S. C. MUKERJI: The speech that has fallen from the Minister of Education has convinced me that this matter of the Vice-Chancellor's pay should not be pushed through at this stage. The Hon'ble Minister himself says that he has a Calcutta University Bill in preparation and we have also got two more Calcutta University Bills, introduced by two non-official members, on the anvil. We do not know what that Government University Bill is; we should like to know what University machinery has been proposed therein; we should first like to know what that measure is; we should like to know what place has been given to the Vice-Chancellor in that Bill; we should like to know what duties have been assigned to the Vice-Chancellor in that Bill. In view of that it is premature to press for this grant at this stage. I think Dr. B. C. Roy who has delivered a very important speech this afternoon, with his intimate acquaintance with the affairs of Calcutta University, has taken an unfair advantage of the inexperience of the present Minister for Education. He has given a long and detailed description of the machinery of the present Calcutta University and has tried—if I may say so—to minimise the importance of the position of the present Vice-Chancellor and he has also tried to show that the duties of the present Vice-Chancellor are not so exacting as they have been described by the Hon'ble Minister of Education.

Dr. BIDHAN CHANDRA ROY: May I rise on a point of personal explanation, Sir? I never made any such remark.

Mr. PRESIDENT: You cannot rise at this stage—not before Mr. Mukerji has finished.

Mr. S. C. MUKERJI: So far back as 1914—I find from the days of the Vice-Chancellorship of the late Sir Asutosh Mukherjee than whom a better Vice-Chancellor has not presided over the deliberations of Calcutta University, a man of colossal and gigantic intellect, a towering personality, and a man who possessed a robust and a virile imagination and who was thoroughly acquainted with every detail of the University's administration—I find Sir Ashutosh Mukherjee saying: "Nor need I dwell on the fact that the duties of the Vice-Chancellor of one of the great Indian Universities are not exactly light or unimportant, under any circumstances; even the routine work of an uneventful period consumes much time and demands a good deal of patience, if nothing more; and I believe no Vice-Chancellor has ever passed, even through one of the normal terms of office, without an occasional call to grapple with business of grave import and high responsibility. But in my case, the period of office has not only been unusually long, but it has imposed upon the business head of the University an absolutely unprecedented burden of toil and responsibility." In another page this great man says: "At the same time,

it is a fact that in all the more important branches of University work, the Vice-Chancellor himself necessarily has to exercise two functions to which the highest responsibility attaches—he has to introduce new important measures, and he has to guide the Syndicate to profitable and if possible unanimous resolutions to be laid before the Senate," and he says later on "the toil of the Vice-Chancellor is truly Herculean." So it cannot be said that the Vice-Chancellor has not very onerous and exacting duties but whether the Vice-Chancellor should be a salaried officer or whether the Vice-Chancellor should be a man coming between the Minister on the one hand and the Chancellor on the other—these are problems which need careful consideration later on, and in view of the observations I have made I feel that this grant should be withdrawn or at least not pressed by the Hon'ble Education Minister at this stage.

Mr. F. E. JAMES: May I say one word before this matter is put to vote? In the first place I am altogether opposed to the provision of this amount in the budget under the present constitution of the University for various reasons most of which have already been dealt with this afternoon. But I should like to ask the Hon'ble Minister or Mr. Lindsay why it is that this amount has been budgeted this year. It has been a matter of great surprise to myself and to some of my colleagues to learn that in regard to this particular provision neither the Senate of the University, nor the Syndicate of the University, nor, I understand, even the Standing Committee on Education of this Council has been consulted. It seems strange that these three authorities in regard to the Calcutta University should have been entirely ignored in this respect and we would like to know from the Minister or from the Secretary to the Education Department the precise nature of the emergency which has suddenly arisen which would justify the ignoring of these important bodies connected with education, and putting this sum in the budget. We should like to know what arguments were adduced by the Hon'ble Minister to convince the Finance Member, usually a very difficult member to convince. If there is no special reason then I would suggest to the Hon'ble Minister that he should remember that in matters relating to education and particularly in regard to the University, this House has always been extremely sensitive of its authority and duty. If there is no particular reason I would ask the Hon'ble Minister to remember that to bring forward such a motion at this stage and for a purpose like this is merely to waste the valuable time of this Council in regard to the discussion on education. On the other hand, if there is an adequate reason which has hitherto not been explained, I hope it will be possible, within the confines of this discussion either for the Hon'ble Minister or Mr. Lindsay to state what that reason is.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Some questions have been asked me and may I be permitted to make a reply to them?

Mr. PRESIDENT: I do not think you have a right to reply.

The motion that the demand of Rs. 17,500, under the head "31A.—University—Grant towards the salary of the Vice-Chancellor" be refused was then put and agreed to.

The following motions were not put as they were covered by the foregoing decision of the Council:—

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 3,90,356 under the head '31A.—Education (Transferred)—University—Calcutta University' be reduced by Rs. 17,500."

Babu MANMATHA NATH ROY: "That the demand of Rs. 4,09,484 under the head '31A.—Education (Transferred)—Grant to Calcutta University' be reduced by Rs. 17,500."

5 P.M.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, in the absence of my friend Babu Akhil Chandra Datta I beg leave to move the following motion:—

That the demand of Rs. 4,09,484 under the head "31A.—Education (Transferred)—Grants to Calcutta University" be reduced by Re. 1.

My object in doing so is to draw the attention of the House to the inadequacy of the grant which is given to the Calcutta University. It is not to be supposed that I do grudge a grant of money to the University of Dacca; but I am proud of the fact that I belong to the Calcutta University and of having studied under its banners, and I feel that so far as the Government of Bengal are concerned the grant which they usually give to the Calcutta University is so hopelessly inadequate that I submit that the House has a right to ask why such a different treatment is meted out to the Calcutta University. Sir, on a perusal of the budget, I find that the Calcutta University has been provided with a magnificient sum of Rs. 3,90,000 and if from that we exclude the budget grant of Rs. 17,500, we are left with a sum of Rs. 3,73,000 as recurring grant and a non-recurring grant of Rs. 19,000—Rs. 3,000 for printing and publishing the ballads, Rs. 13,000 for supervision of the mess scheme, and Rs. 3,000 for hostel accommodation. Sir, I do not say that I have any idea that the amount of grant to the Dacca University should be decreased—I say that the treatment which has been meted out to the Calcutta University is such that it demands the serious attention of this House. I find that Rs. 3,32,550 has been granted

as a non-recurring grant to the Dacca University in addition to the recurring grant of Rs. 5,89,631. I think the sense of proportion is too much wanting both in the departments of Finance and Education. Now, let us see how the Calcutta University has fared. I say, as one representing a school of thought which has taken no part in educational controversy, that we feel that great injustice has been done by the Government of Bengal in the distribution of its grants. Am I to understand that the Secretariat is so absolutely ignorant of the true state of affairs in the Calcutta University that a sum of Rs. 19,000 as against Rs. 3,32,000 to the Dacca University is considered adequate for the upkeep and development of the Calcutta University. Sir, I a Muhammadan member have thought it fit to raise a voice of protest for the simple reason that it may not be thought that because we want the Dacca University to prosper, we want that the Calcutta University should suffer. We want the Calcutta University to get a just and equitable treatment. We should be proud of the Calcutta University and I say that so far as this House is concerned, we have been reminding for several years past that the Calcutta University has not been getting just as it should. I do not belong to the University, I do not know who are the fortunate few among the Muhammadans who have access to the Calcutta University, but I do submit, from what I have been able to know, that there are many insistent demands on the purse of the Calcutta University, some of which have been eloquently expressed by my friend Dr. B. C. Roy, and from the personal knowledge that I have gathered from the little literature that is published from time to time by the Calcutta University, I do believe that this House should record its opinion as to what should be the minimum grant. I only suggest to the Hon'ble Minister, who has just come to office with a new lease of life, which we hope will be uninterrupted for at least a few months, that he would do well, if he could, to place the minimum grant to the Calcutta University on a statutory basis, like our learned friend and leader, Sir Abd-ur-Rahim, who has done a signal service to the Dacca University by putting the minimum demand for the Dacca University on the Statute Book. I think it will be better if he can forthwith appoint a committee of members of this House, the Calcutta University and the Government of Bengal, to examine the minimum grant of money that is necessary to maintain the Calcutta University in a proper manner.

Babu MANMATHA NATH ROY: Sir, I beg to move that the demand of Rs. 4,09,484 under the head "31 A.—Education (Transferred) —Grant to Calcutta University" be reduced by Re. 1. My motion is similar to the one just moved by my friend. Sir, about this time last year I drew the attention of this House that since the appointment of the present Vice-Chancellor, the Government have succeeded in dominating the policy of the University. It is my misfortune again, Sir, to

say that since then this officialisation has continued and has made steady progress. During the last year the activities of the University have been largely directed towards getting rid of those men of the old party who had successfully resisted the attempts of Government at domination in the past, and also of those who would not now agree to be the henchmen of Government. Let me, Sir, refer to an incident which happened only a few days ago. Towards the beginning of this week the Faculty of Arts had to elect members to the different Boards of Studies. In the Board of Studies in Teaching, 9 members were returned. Out of these nine, 7 Government officials have been returned, and two eminent Indians, Professor Heramba Chandra Maitra, Principal of the City College, and Professor Jnanranjan Banerjea, Principal of the Vidyasagar College, could not get in. They were rejected. Another name I may mention here, that of my esteemed friend Mr. Wordsworth, who is unfortunately not a Government official to-day, and who was rejected. On the other hand Mr. Matloob Ahmad Khan Chauhduri, who has never taught anywhere, Khan Bahadur Tasaddak Ahmad, Khan Bahadur Ashanullh (the Assistant Director of Public Instruction), all got in. What does this show? What does this indicate? Again, in the Board of Studies in English, Sir Deva Prosad Sarbadhikari, our esteemed colleague in this Council, could not get more than 9 votes and was not returned, whereas Mr. Charu Chandra Biswas got in with 25 votes. What does this also indicate? What is the policy behind all this? Then, again, on another occasion, about three weeks ago, when the Faculty of Arts co-opted members, my esteemed friend, Mr. Jitendralal Bannerjee, was left out, and as many as five Government officials were successful. The implication of this cannot be overlooked. Sir, it is a matter of shame that at the present day 80 per cent. of the members of the University should be nominated. Two Bills were introduced in this Council for the purpose of democratising the University, and the sponsors of the Bills had asked for their reference to Select Committee, but at the instance of Government, the consideration of the Bills by this Council has been delayed. The Hon'ble Minister has given us an assurance that a Bill is under perparation in the Secretariat. We know what value to give to these assurances. We have had assurances of this description from those occupying the ministerial chairs, from Sir P. C. Mitter downwards—my friend says upwards—but, Sir, although these assurances were given from time to time, nothing has been done up till now. It seems, Sir, that we shall have to wait till Doomsday for getting the constitution of the University reformed. I would also refer to another distressing circumstance which has happened within the last few days. The policy of officialisation has spread far and wide. Every day we hear of distressing frictions between the students and the authorities in colleges. The principals and the other authorities in some of the colleges seem to be anxious to inculcate slave-mentality in the students. The University has a duty in the matter.

It is the duty of the University to put things right. It is no wonder that the University as at present constituted, with a preponderance of Government officials and their henchmen, have not done anything in the matter. It has totally failed in its duty.

5-15 P.M.

Babu JATINDRA NATH CHAKRABURTTY: England taking her leaf from the history of Ancient Rome—her political *Guru*—has emasculated the whole of India by systematically and slowly pursuing the policy of demilitarisation to her subject race. We know how her political *Guru* when attacked by barbarians being unable to protest herself had to succumb to the attacks of her barbarous neighbours on account of this ill-advised policy pursued in relation to her subject peoples. Would such a day come when England would have to repent her short-sighted policy in India.

Times without number our public men have cried themselves hoarse over this question, but the unbending attitude of the Government still remains firm. Does the Government doubt the military instinct of the Bengalees? The late War has proved the immense potentialities of our young men in military line, even the French Government was more liberal in this respect to its Indian volunteers, who were taken as commissioned officers and were placed in charge of artillery. They have been highly spoken of by the French authorities. But, have our Government done anything for those young Bengalees who joined army during the last war? Most of them were employed as stretcher-bearers, transport bearers, and few of them were taken as non-commissioned officers. Is this the reward of their sufferings in the field and loyalty to the Crown?

You are afraid that the very arms given to our young men may be turned against you. But have patience and confidence in us. Trust begets trust. If you suspect us in every footfall and see the spectre of sedition and revolution in every word and action of our young men, then I am constrained to admit that your statesmanship is at discount and moral cowardice has seized you from top to bottom. Had you given military training to our educated young men, you would not have to go to beg during the last war in Europe and America at the door of every power for arms, ammunition, men and money, even one crore of people properly trained would defy any military power in the world. But there is yet time, the yellow peril is at hand. What would you do if the teeming millions from the north backed by your enemies pour in through the passes in India? Your standing army will be quite insufficient to resist the avalanche from the Himalayas. Your army which is mostly composed of ignorant people have neither the brain nor the moral courage of educated young men. So, I advise you to take

our young men into confidence and introduce compulsory military training among the students of higher classes, who true to their traditions of loyalty and fidelity to their King and country will faithfully and gloriously discharge their duties.

You will find splendid war material among young men of the present generations.

They are fine sportsmen and are fired up with enthusiam, the equal of which you will rarely find elsewhere. Such materials are existing among the student community of Bengal. But for want of proper training, they are physically dwindling away.

So it is meet that they should be compelled to undergo military training.

Once the impetus is given all will come cheerfully to take advantage of it. Military training will not only be a benefit to the student community itself but will be a national asset.

The students of to-day will be a nation by to-morrow.

With this I support the motion of Mr. Manmatha Nath Roy.

Dr. PRAMATHANATH BANERJEA: I thank Khan Bahadur Azizul Haque for his able advocacy of the claims of the Calcutta University. He is not personally connected with the University; but as an *almunus* of the University he has thought fit to place before us the needs of this great institution. My hon'ble friend, Mr. Haque, has pointed out to us the unfair and inequitable treatment which has been meted out to the Calcutta University as compared with that accorded to the sister University of Dacca. He has also made a fervent appeal for a fair and more equitable treatment of the Calcutta University in future. Sir, I whole-heartedly associate myself with this appeal. The Calcutta University is, indeed, in great financial distress. Only a few years ago we had a great tussle with the Government, and after a great deal of bickering we came to an agreement—a very unsatisfactory agreement—that a sum of Rs. 3,00,000 should be annually granted to the Post-Graduate Department. But even this small grant has not been paid to the University in full during the last few years. Sir, that is the state of things which still continues. The needs of the University are very great. The Calcutta University has developed a Teaching Department which costs a very large annual sum of money. Sir, I hope and trust that the advocacy of men who have no axes of their own to grind will prompt Government to feel that the Calcutta University deserves to get more money. I hope and trust that the Government will agree to place the grant to the Calcutta University on a satisfactory—and a statutory—basis.

The Hon'ble Nawab MASHARRUF HOSAIN, Khan Bahadur: Sir, my friend, Khan Bahadur Azizul Haque, has pointed out to us the

iniquitous treatment that the Calcutta University has been receiving at the hands of Government as against the Dacca University. I am not aware that the Dacca University has got a statutory grant and that the Calcutta University has not got it. When I took over charge I asked my department whether it was possible for me to bring in a Bill for a statutory grant for the Calcutta University on the same lines as Dacca. I was told that Government was thinking of reconstituting the University either on the lines suggested by the two Bills already introduced in the Council or on a line of its own which will be introduced later. The difficulty is we do not know exactly what is the amount which is required by the Calcutta University. If we knew it we could bring in a Bill for giving a statutory grant to the University. Since my taking over charge the time has been very short for me to bring in a Bill and Government is also busy with other Bills. We have to introduce the Primary Education Bill which is taking a lot of our time and there are other Bills also. We are also thinking of course of the Calcutta University Bill and of giving a statutory grant to the University. We are thinking of meeting the difficulties of the University in a spirit of sympathy. I hope that if sufficient time is given to me I will be in a position to bring an improvement in the Department of Education. My friends may say that a business man has been placed in charge of Education but I may assure them that that businessman is one of them, who passed through the Calcutta University and had the privilege of passing Law Examination as well. They may say I am not a Calcutta man. Well, Sir, that is all they can say against me. I may also say that I am really trying to grapple with the problem which has not yet been tackled by my predecessors. As I have said, if sufficient time is given to me I shall be able to satisfy my friends that they were mistaken in their belief about me.

As regards the grant of Rs. 3,00,000 which has been promised by the Government of India to the Calcutta University my friend Dr. Pramathanath Banerjea has said that for the last two years this money has not been paid in full. I may tell him that whenever money was really required by the University it has been paid. Government promised to pay to the extent of Rs. 3,00,000 and that promise is being fulfilled by Government. If the actual expenditure is less than Rs. 3,00,000 then you will get less money. If more than Rs. 3,00,000 are required then you will get only Rs. 3,00,000 and nothing more. That was the agreement that was reached between the University and the Government and the Government has acted up to that agreement.

Dr. BIDHAN CHANDRA ROY: Am I to understand that if the expenditure is more than Rs. 3,00,000 Government will pay that?

The Hon'ble Nawab MASHARRUF HOSAIN, Khan Bahadur: No, as I have explained Government will pay up to Rs. 3,00,000. Sir, Dr. Banerjea has also pointed out that there has been a lot of officialisation

inside the University since sometime ago. I may tell him that it is purely matter of election and if an official is elected how can Government interfere in the matter. It is not the Government but the Chancellor has the right to nominate Fellows to the Calcutta University. Sir, I may impress upon my friends the fact that there is a difference between the Government and the Chancellor. On this ground no censure motion can be passed against Government.

Mr. PRESIDENT: Order, order, it is now 5-30 P.M. and I must adjourn the Council. If the Hon'ble Minister wishes he can continue with his speech on Monday when there would be 33 minutes to spare on this head.

Adjournment.

The Council was then adjourned till 3 P.M. on Monday, the 26th March, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 26th March, 1928, at 3 P.M.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers and 85 nominated and elected members.

Starred Question

(to which oral answer was given).

Unruly behaviour of strangers in or about the Town Hall on the 21st March, 1928.

*79. **Mr. W. L. TRAVERS:** (*a*) Has the attention of the Hon'ble Member in charge of the Legislative Department been drawn to the rough handling received by some of the members of this Council within the precincts of the Council Chamber after the meeting of the 21st March?

(*b*) If so, will the Hon'ble Member state what arrangements have been made to protect members of the Council in the discharge of their duties?

MEMBER in charge of LEGISLATIVE DEPARTMENT (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): (*a*) Yes.

(*b*) The Commissioner of Police has been instructed to prevent all persons (except those having business with the Council including members and visitors) from entering the building by the entrance used for Council meetings and also from frequenting or loitering in the approaches particularly in the approach to the East of the Council Chamber and in the portico, and to keep the hall and steps clear at all times but especially up to the hour fixed for the Council meeting and again when the members are departing. The Commissioner of Police has also been asked to see that visitors to the Council once the Council

is over pass down the staircase and proceed out of the hall at once and do not congregate either there or on the steps or in the portico. It is hoped that these orders will prevent any repetition of the unruly behaviour of the 21st March.

Babu BEJOY KRISHNA BOSE: Will the Hon'ble Member be pleased to state who were the members who had been roughly handled?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Several members have complained to us, but I have not got any particular names at present.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state who were the members who complained to him?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Some of them complained to me personally.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to give us their names?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I am not prepared to disclose the names at present.

Mr. SUBHAS CHANDRA BOSE: Are we to understand that the members of Council to whom the Hon'ble Member refers, were roughly handled within the precincts of the Council Chamber?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: On the steps and in the portico as reported to me.

Mr. SUBHAS CHANDRA BOSE: Does the portico come within the precincts of the Council Chamber?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: No.

Mr. SUBHAS CHANDRA BOSE: Then how could the Hon'ble Member answer the first question in the affirmative?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The precincts include the steps and the portico.

Dr. BIDHAN CHANDRA ROY: Does he alter his previous answer?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I have given the answer, it was "within the precincts of the Council Chamber," not "within the Chamber." That makes it quite clear.

Mr. SUBHAS CHANDRA BOSE: In the answer to (*b*) the Hon'ble Member states that he has asked the Commissioner of Police to prevent persons from entering the building by the entrance used for Council meetings. Does the Hon'ble Member refer to the Town Hall itself, or the entrance to the upper floor?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: It is the entrance to the building; I have made it quite clear at the end of my answer.

Mr. SUBHAS CHANDRA BOSE: Is the Hon'ble Member aware that the ground floor and the compound belong to the Calcutta Corporation, and not to Government?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Yes.

Mr. SUBHAS CHANDRA BOSE: Is the Hon'ble Member in order in asking the Commissioner of Police to interfere in this matter?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Government are advised that they are competent to do so.

Mr. J. M. SEN GUPTA: Having regard to the dignity of this House, Sir, may I know whether you would allow the Commissioner of Police to interfere in any way with the visitors and members inside this building?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: That is for you to decide, Sir, but I venture to say that this will not be so long as the members behave properly. (Laughter.)

Mr. JOGESH CHANDRA GUPTA: Before taking any steps, should not this matter have been referred to the President of this Council?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: This was done.

Mr. SUBHAS CHANDRA BOSE: Does the Hon'ble Member mean to state that members of the Council were guilty of unruly behaviour?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I do not make any such assertion. The question and the answers are perfectly clear.

Mr. SUBHAS CHANDRA BOSE: Are we to understand that the public are going to be prevented from entering the compound and the ground floor of this building?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I would refer the member to the answer already given.

Mr. SUBHAS CHANDRA BOSE: The answer is not clear; may we have a clear answer.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: This is a matter of opinion.

Mr. SUBHAS CHANDRA BOSE: I seek a ruling from the Chair.

Mr. President: The Hon'ble Member may answer the question if he wishes to do so.

Mr. J. M. SEN GUPTA: The question is whether he proposes to prevent the public from entering the compound of this building. The answer is not clear as printed. I think we are entitled to a clear answer; it is a simple question.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I submit that my answer is perfectly clear. I may repeat what I have said "The Commissioner of Police has been instructed to prevent all persons (except those having business with the Council including members and visitors) from entering the building by the entrance used for Council meetings and also from frequenting or loitering in the approaches, particularly in the approach to the East of the Council Chamber and in the portico. . . . "

Mr. D. N. ROY: Will the Hon'ble Member be pleased to state whether this question has been sent within the time specified by the Rules and Standing Orders?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: It has been admitted by the Hon'ble the President under the rules at short notice.

Dr. BIDHAN CHANDRA ROY: In the answer given by the Hon'ble Member does he mean any distinction between "entering the building by the entrance used for Council meetings" and "the approaches

particularly in the approach to the East of the Council Chamber and in the portico?" If that be so, to which entrance does he specifically refer? We have friends coming to the Council Chamber, but before we ask them to come, we would like to know what is the particular part of the building to which he refers in his answer.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The usual entrance—the East.

Dr. BIDHAN CHANDRA ROY: If that be so, then what is the meaning of the words "also from frequenting or loitering in the approaches particularly in the approach to the East of the Council Chamber?" If the East gate is the entrance, and if persons are not allowed to enter, how can they frequent or loiter in the approaches and in the portico?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I think the entrance is within the portico and the staircase room.

Mr. SUBHAS CHANDRA BOSE: If the Hon'ble Member and the Commissioner of Police prevent the public from using the entrance, how are the Municipal Corporation and the members of the public going to use the offices situated in the ground floor of the building?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: They can go in through the ordinary entrance.

Dr. KUMUD SANKAR RAY: What steps are being taken to protect members of the Council from official pressure in the discharge of their duties?

Mr. PRESIDENT: That does not arise. I do not allow that question.

Dr. KUMUD SANKAR RAY: I want to know whether any complaint has been made about the official pressure on the freedom of members?

Mr. PRESIDENT: I do not allow that supplementary question as it does not arise out of the main question.

Babu BEJOY KRISHNA BOSE: Is the Hon'ble Member aware of the practice outside the House of Commons and the Houses of Parliament, and whether the police are allowed to interfere with the public?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Unfortunately, I have never been to England, so I do not know.

Point of order.

Maulvi ABDUL KARIM: On a point of order, Sir. For the discussion of the Education grant 3 hours were allotted, and out of those 3 hours, 2 hours and 20 minutes were taken up by the discussion of a grant for the salary of the Vice-Chancellor, the *bonâ fide* of which I believe is doubtful, leaving only 33 minutes for the discussion of the more important subjects like collegiate, secondary and primary education. May I know whether by some readjustment you can give some more time for the discussion of these subjects? I find in the Civil Works Budget 3 hours and 20 minutes have been allotted for the discussion, and there are 17 motions of which as many as 14 stand in the name of one particular member. I should like to know whether by some readjustment you can allow more time for this discussion on Education. I am afraid the other day the discussion on the salary of the Vice-Chancellor was prolonged deliberately with a view to stifle discussion of these important subjects. It was a trick played upon the Council in order to avoid inconvenient questions regarding secondary and primary education.

Mr. PRESIDENT: Although I deprecate any attempt on the part of any member to fling words at another while he is speaking on a point of order, I must say that I agree with Mr. Abdul Karim that much time was wasted over a particular item, but the remedy does not lie with me. It is impossible for me to effect any readjustment as proposed by the hon'ble member. The remedy lies entirely with the non-official members themselves. A little more self-restraint in sending in amendments and in speaking on them, I think, will cure the evil complained of.

Babu BEJOY KRISHNA BOSE: May I ask if the time spent on the discussion of the "no confidence" motions will be excluded from the time set apart for the discussion of this item of the budget?

Mr. PRESIDENT: That does not affect the situation at all, 3 hours have been allotted for the discussion of this demand, and I must see that it is finished within three hours.

Mr. J. M. SEN GUPTA: On a point of information, Sir, we find that 11 hours odd are still left over for the discussion of the budget according to the time-table we have got, but as far as I know the

Council will adjourn the day after to-morrow. The first notice we had stated that the 27th was the last day, but we ought to have 11 hours more, and we do not know whether we are going to sit on Wednesday or Thursday again. If we are to close down to-morrow.....

Mr. PRESIDENT: The rule is that when the time-limit is reached, I have to put the outstanding motions forthwith.

Mr. J. M. SEN GUPTA: I am not referring to any particular subject. The time-limit for the budget discussion is presumably the 27th, according to the time-table.

Mr. PRESIDENT: That is the rule, I cannot help it.

Mr. J. M. SEN GUPTA: I think I am clear enough. I am suggesting to you that having regard to the time-table members will not have time before to-morrow to discuss the whole budget. That is exactly the position.

Mr. PRESIDENT: I do not understand what you mean. Members are allowed to discuss the various items within a specified time, and when that time is over it is clearly the duty of the President to put forthwith all outstanding demands.

Mr. J. M. SEN GUPTA: May I make my point absolutely clear? Two hours, three hours, etc., have been allotted to particular demands. Now, what is the use of making a time-table like that when the number of days allotted for the budget discussion cannot cover that time?

Mr. PRESIDENT: You do not seem to understand. Not only hours but also so many days are allotted for the discussion of the demands and it is the duty of the non-official members not only to finish the discussion of a particular item within the time specified for it but also to close the debate on the budget as a whole within the allotted days.

Mr. J. M. SEN GUPTA: The point is perfectly clear. At the end of the budget discussion to-morrow, the last day, you will still have 11 hours according to your time-table remaining for the discussion of the budget, but by to-morrow we will not have this allotted time.

Mr. PRESIDENT: You do not seem to understand the point. We have to close the debate on the budget by to-morrow because the 12 days allotted to the discussion of the budget expire to-morrow.

Mr. J. M. SEN GUPTA: You have also 11 hours more given for the discussion of the budget according to your time-table. What is the use of having a time-table, if the time is not adhered to?

Mr. PRESIDENT: But you forget that some time was taken away by you for the discussion of the motions of "no confidence" in ministers. That is why you cannot have 14 hours more for the discussion of the budget.

Mr. SUBHAS CHANDRA BOSE: Do you suggest that the discussion of the "no confidence" motions is part of the budget discussion?

Mr. PRESIDENT: No, it was not. But it was the option of the non-official members, rather a request from them that a day should be taken out of the budget period, and given to the discussion of the motions of "no confidence" in ministers, and it was in order to comply with their request that a day was allotted; so they should not complain. We have to finish the budget to-morrow.

Mr. SUBHAS CHANDRA BOSE: We never made such a request. We never said that we wanted a day out of the budget period.

Mr. PRESIDENT: You might not have said so in so many words, but you meant that, and there was no help for it, as I had to give you a day within 10 days from the date of your notice. You, therefore, knew what the consequence would be; for under the rules the Governor cannot give more than 12 days for the discussion of the budget.

Mr. J. M. SEN GUPTA: Having regard to this confusion, may I ask, when, according to you, the discussion on the budget will end to-morrow?

Mr. PRESIDENT: At five o'clock.

DEMANDS FOR GRANTS.

31.—Education (Transferred).

MINISTER in charge of DEPARTMENT of EDUCATION (the Non'ble Nawab Musharruf Hosain Khan Bahadur): I was speaking when the Council was adjourned the other day. Some of my friends on my right have complained that Government have not helped them in introducing compulsory universal military training for boys at colleges. Now, so far as military training is concerned it requires finance and finance is absolutely under the control of the Central Government. This Government have further nothing to do with military training. Finance must be found for it by the Government of India. We must further find out whether there is any readiness on the part of the

students to undertake this training. A circular letter has been sent out to all the heads of the colleges to find out how many students will be willing to undertake the training if it were provided. The replies to this letter have not yet reached us. From the replies, when received, we will be able to ascertain the number of students willing to undertake this training. At the present moment we have a University Corps which is training 600 students. If we want another Corps to train another 600 students, we will have to report the fact to the Government of India, and if they furnish funds, we shall make the necessary arrangements for this training

Dr. BIDHAN CHANDRA ROY: How long will this take?

The Hon'ble NAWAB MUSHARRUF HOSAIN, Khan Bahadur: I cannot say. We will have to send our report to the Government of India on receipt of the replies from the heads of the different colleges, the Government of India will consider the report from all points of view, that will take some time, and then if we get sufficient finance, we can undertake the training.

Some of my friends have said that the Dacca University has been much pampered and the Calcutta University is not receiving as good treatment from us as it ought to. My reply so far as the Calcutta University is concerned is that whatever amount is actually necessary within the limit of Rs. 3 lakhs for managing their affairs, they will get from Government. So far as the Dacca University is concerned, it is a new institution and money has to be spent there for building houses (A VOICE: Palatial buildings)—palatial buildings for students there. My friends ought to know that there are 3 halls in the Dacca University, the Dacca Hall, the Jagganath Hall and the Moslem Hall. The Dacca and the Jagganath Halls were there before, but the Moslem Hall was not built; the number of Moslems was very small when it first started and they were accommodated in one portion of the University building. Now the number has increased and it is very necessary that the Muhammadan boys should be accommodated somewhere. There are about 1,000 Hindu students located in houses built for them especially by Government, and Government now think that. . . . .

Mr. SUBHAS CHANDRA BOSE: Is the Hon'ble Member in order in referring to the college students as "boys."

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: So Government now think that they ought to build another house for Moslem students, and the house is now being built. Last year the scheme was approved by this House and some money was provided for beginning the work. This year we are asking for more money to carry

on the work; so if any money is being provided for the Dacca University, it is for the purpose of completing this house and nothing else. So far as these two Universities are concerned, Government has no particular liking for one in preference to the other. (A VOICE: Question.) Government must look on both these institutions with equal favour.

Then as regards the officialisation of the University. I think the other day I also spoke about it, and I want to make it perfectly clear that so far as the Syndicate is concerned; out of 15 members, only 5 are officials and the remaining 10 are non-officials. So I do not know how my friend thinks that the Syndicate has been officialised. This, I think, is a sufficient reply to my friend's remark that Government is thinking of officialising the whole University. I make an emphatic denial to that charge.

Dr. BIDHAN CHANDRA ROY: I tried to listen as carefully as I could to the very rambling speech made by my friend the Hon'ble Minister. I appealed to you, Sir, the other day just before you left, to provide us with a copy of his speech but evidently you were then *functus officio* and therefore I had to ask for the information from other people as to what he said. I was told that he said "If you keep me in office and let me work this Department, I promise a millenium to you." He has referred to secondary education, primary education, military education, the Dacca University, the Calcutta University, and said "If you keep me in office then—

I will give you health,
I will give you wealth,
I will give you gold galore;
I will give you heaven, when you die,
What could I give you more?"

(3-30 P.M.)

To-day he has also made a reference to different subjects like the grant to the Dacca University and the grant to the Calcutta University and so on. But I want to ask him one question—if he be prepared to give a reply to that question—will he try and find out from what date the attitude of the Government of India as well as the Government of Bengal changed so far as the grant to the Calcutta University is concerned. If he is prepared to bear with me, I shall show him definitely that it was after the donations—the princely gifts of Sir Taraknath Palit and Sir Rashbehari Ghose to the Calcutta University—one of the conditions of those gifts being that the professors appointed under those Trusts should be Indians and Indians only; and it is from that date that Mr. Sharp, the then Secretary to the Education Department of the Government of India, changed his attitude towards the

Calcutta University. Sir, the Calcutta University has now provided for teaching in the Post-Graduate Departments as was required of it under the Act of 1904, and the person who gave the first impetus to the Calcutta University to establish Post-Graduate Chairs was no less than the then Governor General, Lord Hardinge, who in 1912 announced the princely contribution of Rs. 65,000 a year. But since the year 1913 when these bequests were made the attitude of Government changed and that attitude has continued ever since. It is usually the case that whenever a particular institution gets a contribution from an outsider Government contribute to the same extent to keep the institution going. But in the case of the Calcutta University, if I mistake not, gifts to the amount of 50 or 60 lakhs have been given by private benefactors but the Government in spite of repeated requests have made no capital grants in recent years, although on two occasions they gave us a certain amount of money to meet the deficit that occurred on the revenue account. I say again that if the Minister instead of promising to provide for us primary education as much as we want, secondary education more than we require, would only enquire what is the present attitude of the Government towards the Calcutta University is due to and rectify it, he will do more justice to the cause of higher education in the province than he could otherwise do. I would also mention to the members of this House that one of the conditions on which these bequests were made and which the Calcutta University accepted and which the Government by giving their sanction to those bequests also accepted, was that the professors and teachers appointed under those Trusts should be provided with laboratories, equipments, etc. The Calcutta University is required to provide for these and we have no money. As I said the other day, as the person who has got to find money for these purposes, for equipments and working expenses of the union departments, I am hard pressed to find the sources of income to meet these necessary demands. I say deliberately, that the Government, by turning a deaf ear to the repeated requests, have allowed these departments to be starved. If I mistake not requests had been made, on four different occasions, to provide money for the Science College for which both Sir Rashbehari Ghosh and Sir Taraknath Palit gave munificent bequests, to which no response has yet been made I say again that it is no good trying—may I give humble advice to the Hon'ble Minister, if he really wishes to do good to the Calcutta University—it is no good his trying to justify the contribution to the Dacca University because no one complains of it—let the Dacca University get as much as it gets and even more—but let the Calcutta University also get what it deserves and what it desires. I would not have been prompted to speak at all, but for the speech which the Hon'ble Nawab Bahadur made to-day. So far as the Calcutta University is concerned, we are under a particular arrangement with the Government which lapses in the year 1930. I do not for a moment, as I said last year,

admit the justification of the conditions which were imposed upon us by the Government during the discussions of 1926, but since we are under certain arrangements with the Government, I for one am not prepared on behalf of the University to make any direct approach to Government at this stage. But as the question of the inadequacy of support to the Calcutta University has been raised I say deliberately that it is because the Calcutta University had taken a definite step towards—if I may use the term—Indianisation of the services under its control, that the Government of India and the Government of Bengal have changed their attitude. I am not at the present moment accusing either the present Minister or the previous Ministers because I do not believe any one of them has any control over the policy of their Departments at all, they cannot help the same policy guiding the Education Department as it has done since 1913, and the poor contribution which the Calcutta University gets to-day is due to the fact that the Department of Education has found it difficult to condone the practice of the Calcutta University, namely, to restrict its nomination to Indians only with regard to the teacherships and professorships under the Trust Funds.)

The following motion was then put and lost:—

"That the demand of Rs. 4,09,484 under the head '31A.—Education (Transferred)—Grants to Calcutta University' be reduced by Re. 1

The following motion was not put as it was covered by the foregoing decision of the Council:—

Babu MANMATHA NATH ROY: "That the demand of Rs. 4,09,484 under the head '31A.—Education (Transferred)—Grant to Calcutta University' be reduced by Re. 1."

The following motions were called but not moved:—

Babu AKHIL CHANDRA DATTA: "That the demand of Rs. 9,69,600 under the head '31A.—Education (Transferred)—Government Art Colleges—Pay of officers' be reduced by Re. 1.

Babu MANMATHA NATH ROY: "That the demand of Rs. 9,69,600 under the head '31A.—Education (Transferred)—Grant to Government Arts Colleges—Pay of officers' be reduced by Re. 1.

Khan Bahadur Maulvi AZIZUL HAQUE: I beg formally to move that the demand of Rs. 40,400 under the head "31.—Education (Transferred)—Contingencies of the Presidency College" be reduced by Rs. 10,400.

My intention in moving this motion is to draw the attention of the Hon'ble Minister to the fact that the contingent expenditure of the Presidency College has been very much increasing of late years, although some attempt has been made to decrease it this year and I

suggest that some sort of scales be laid down as to what these contingent charges should be. With these words I formally move the motion standing in my name.

Mr. J. H. LINDSAY: I may just explain for the benefit of this House that the contingencies for the various colleges, except the Rajshahi and Presidency colleges, appear under four different heads of the budget, and so are hidden. They come under the heads of Club and Common Room," "purchase of apparatus," "purchase of books" and "contract grants." I may say that the Krishnagar College gets a contingent grant of about Rs. 8,000; the Chittagong College Rs. 7,000; the Hooghly College a little over Rs. 9,000; the Islamia Rs. 9,700; and the Dacca Intermediate College Rs. 10,000. At the Presidency College most of the subjects are taken up on the Honours and the M. A. standards and therefore contingencies are a much bigger item there than anywhere else.

The Hon'ble the President then proceeded to put the motion before the House and at this stage Khan Bahadur Maulvi Azizul Haque said: "After what has been said by Mr. Lindsay I ask for leave to withdraw the motion."

Mr. SUBHAS CHANDRA BOSE: On a point of order, Is the Hon'ble member in order in bringing this matter when the President was putting the motion before the House?

Mr. PRESIDENT: I do not think it would be wrong to allow him to withdraw the motion if he wants to, but if you object to leave being granted to him to do so, you can do so instead of rising on a point of order.

Mr. J. M. SEN GUPTA: Sir, I raise objection on the ground that once a motion is put by the President before the House, no one will be allowed to withdraw it.

Mr. PRESIDENT: I did not actually put it but since you have objected I better put it to vote as to whether leave should be granted to the Khan Bahadur to withdraw his amendment.

The motion that leave be granted to Khan Bahadur Maulvi Azizul Haque to withdraw his motion was then put and agreed to.

The following motions were called but not moved:—

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 12,68,000 under the head '31A.—Education—University—Government Arts Colleges' be reduced by Re. 1."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 12,68,000 under the head '31A.—Education (Transferred)—University—Government Arts Colleges' be reduced by Re. 1."

Babu MANMATHA NATH ROY: "That the demand of Rs. 4,22,000 under the head '31A.—Education (Transferred)—Grants to non-Government Arts Colleges' be reduced by Re. 1."

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: "That the demand of Rs. 28,36,000 under the head '31A.—University' be reduced by Re. 1."

Babu AMARENDRA NATH GHOSE: "That the demand of Rs. 13,14,000 under the head '31B.—Education (Transferred)—Government Secondary Schools' be reduced by Rs. 100."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 13,14,000 under the head '31B.—Education (Transferred)—Government Secondary Schools' be reduced by Re. 1."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 14,25,900 under the head '31B.—Education (Transferred)—Direct Grants to non-Government Secondary Schools' be reduced by Re. 1."

Babu MANMATHA NATH ROY: "That the demand of Rs. 27,39,000 under the head '31B.—Education (Transferred)—Secondary' be reduced by Re. 1."

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that the demand of Rs. 22,88,000 under the head '31C.—Education (Transferred)—Grants to local bodies for Primary Education' be reduced by Rs. 100.

Sir, so much has been said on this subject that I do not think any speech is needed by me specially when we are so much in short of time. The views of the House and of the country are quite well known that not much has been spent on primary education. I regret to note that last year everything which was sanctioned was not even given to the local institutions. Sir, I was looking after the figures of the number of schools and the latest figures available are as follows:—

Middle schools	2,675
Upper primary	2,664
Lower primary	936
Industrial	7

and all these schools are being maintained by the District Boards. Leaving aside the question of higher education and middle education, I find under the head "primary education" which directly concerns this motion as much as 3,600 institutions are being directly maintained by local bodies with an additional 38,000 primary schools aided by the District Boards. Whether the amount of money budgeted is sufficient is a matter for the determination of this House. I consider it is rather

too small for primary education purposes and the worst still that everything which is granted for the purpose is not spent or granted to local institutions. With the words I move the motion.

Babu AMARENDRA NATH GHOSE moved that the demand of Rs. 22,88,000 under the head '31C.—Education (Transferred)—Primary —Grants to Local Bodies for Primary Education' be reduced by Rs. 5."

He spoke in Bengali, the English translation of which is as follows:—

"The intention of my moving this is to point out that the amount allotted for primary education is very insufficient, it should be increased ten times if possible. The village school masters are so poorly paid that their income is half or in some cases one third of the standard income of a day labourer. They get 7, 8, or say 15 rupees in special cases per month; on this small salary no good man is available but these people are constructing the foundation of our nation. It is a fact that there is no existences of the *Pathsala* or *Maktabs* in the village but the grant is paid to the teachers at the recommendation of the school Sub-Inspectors. I can cite many concrete examples of the facts stated above. In one case (the name and address may be supplied if required by the authority) a Vice-Chairman of a Local Board went to a village in our subdivision where one *Pathsala*, one *Maktab* and a girl school were noted in the official papers to have been in existence, but he could not trace the *Pathsala* and girl school—but fortunately met with a maulvi who introduced himself to be the teacher of a *Maktab*—and after half an hour he could procure 3 students, namely, his one son, one nephew and his cow boy and none else, but the Vice-Chairman on his return to his headquarters received three bills for these three schools from the school Sub-Inspector for payment of grant.

3-45 P.M.

The motion of Khan Bahadur Maulvi Azizul Haque was then put and lost.

The motion of Babu Amarendra Nath Ghose was then put and lost.

The motion that a sum of Rs. 1,16,33,000 as amended in Council, be granted for expenditure under the head "31.—Education (Transferred)" was then put and a division taken with the following result:—

AYES.

Abbott, Mr. E. G.
Ahamad, Maulvi Kasiruddin.
Barton, Mr. J. P.
Casselis, Mr. A.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Cohen, Mr. D. J.
Dey, Mr. G. C.
Drummond, Mr. J. G.
Dutt, Mr. S. S.
Ghose, Mr. M. C.
Guha, Mr. P. N.
Haque, Khan Bahadur Maulvi Azizul.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.

Hug, Khan Bahadur Maulvi Ekramul.
James, Mr. F. E.,
Lindsay, Mr. J. N.
Luke, Mr. H. E.
Macdonald, Mr. A.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Prevash Chunder.
Moberly, the Hon'ble Mr. A. N.
Morgan, Mr. G.
Nandy, Maharaj Kumar Sris Chandra.
Nelson, Mr. W. H.
Prentice, Mr. W. D. R.
Rahman, Maulvi Shamsur.
Rauf, Maulvi Syed Abdur.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Saetpe, Mr. F. A.
Sarker, Rai Sahib Rebati Mohan.
Sen, Mr. Satish Chandra.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Skinner, Mr. E. A.
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

NOES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Promotha Nath.
Basu, Babu Basi Sekhar.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Khorshed Alam.
Dutt, Babu Saral Kumar.
Farequi, Khan Bahadur K. G. M.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Babu Satyendra Chandra.
Gupta, Mr. Jogesh Chandra.
Hoque, Kazi Emdadul.
Karim, Maulvi Abdul.
Khan, Khan Sahib Maulvi Muzzam Ali.
Khan, Mr. Razaur Rahman.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Poddar, Mr. Ananda Mohan.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur.
Raikat, Mr. Prosanna Deb.
Ray, Babu Radha Gobinda.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Sarker, Babu Nalliniranjan.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Solaiman, Maulvi Muhammad.

The Ayes being 43, and the Noes 40 the motion was carried.

The time-limit under the head "31.—Education (Transferred)" having been reached the following motions were not put:—

Babu AKHIL CHANDRA DATTA: "That the demand of Rs. 27,09,000 under the head '31C.—Education (Transferred)—Primary' be reduced by Re. 1."

Mr. SYED MD. ATIQULLAH: "That the demand of Rs. 27,09,000 under the head '31C.—Education (Transferred)—Primary' be reduced by Re. 1."

Babu MANMATHA NATH ROY: "That the demand of Rs. 27,09,000 under the head '31C.—Education (Transferred)—Primary' be reduced by Re. 1."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 27,09,000 under the head '31C.—Education (Transferred)—Primary' be reduced by Re. 1."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 2,30,000 under the head '31D.—Education (Transferred)—Direct grants to non-Government special schools—Recurring grants to Madrassahs' be reduced by Rs. 100."

Maulvi SYED ABDUR RAUF: "That the demand of Rs. 2,30,000 under the head '31D.—Education (Transferred)—Direct grants to non-Government special schools—Recurring grants to Madrassahs' be reduced by Re. 1."

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 3,44,000 under the head '31D.—Education—Direct grants to non-Government special schools' be reduced by Re. 1."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 49,900 under the head '31E.—Education (Transferred)—Other items' be reduced by Rs. 25,200."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 1,16,33,900 under the head '31.—Education (Transferred)' be reduced by Rs. 3,000."

32.—Medical.

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (MEDICAL) (the Hon'ble Sir Provash Chunder Mitter): On the recommendation of His Excellency the Governor I move that a sum of Rs. 48,91,000 be granted for expenditure under the head "32.—Medical." Hon'ble members of this House are no doubt aware that I joined Government after the time for putting in departmental budgets was over. I am afraid, therefore, I cannot claim credit for this budget. According to convention I had to adopt this budget and have to place it before you for your approval. The Bengal Financial Statement (the Red book) for 1928-29 has explained to you the nature of the demands. It is therefore not necessary for me to repeat what is stated there. You will notice that the budget on the whole shows an increase of expenditure of Rs. 3,04,000 on the voted side. I know members of this House as well as the public are interested in the question of expansion of medical education through medical schools. There is a grant of Rs. 50,000 for the Calcutta Medical School which is a non-official institution. This will in due course involve a recurring grant

of Rs. 20,000 a year to this institute. There is also a provision of Rs. 1,20,000 for improvement of hospitals in connection with new medical schools. A provision of Rs. 1,50,000 has also been made in the Public Works budget for the construction of the schools themselves.

There is also a provision of Rs. 15,000 for re-building the Netrokona hospital.

I notice with pleasure that there is no motion for any reduction of these grants but there are certain token cuts the object of which is no doubt to draw the attention of the Government to the position which will be explained by the movers. I may promise in advance that I shall listen to the remarks of the movers of the token cuts and shall try to profit by them.

I would conclude by saying that I trust that the financial position of this province will improve to such an extent that if I have the privilege of presenting this budget next year I shall be able to present a budget which will improve the provision for medical relief and medical administration in this province.

4 P.M.

Babu NALINI RANJAN SARKER: In the absence of Dr. Kumud Sankar Ray I beg to move that the demand of Rs. 0,19,000 under the head "32A.—Medical Establishment" be reduced by Re. 1.

Sir, in moving this cut my object is to criticise the constitution and status of the Indian Medical Service. So far as their personal budget is concerned these men have been made untouchable by the Government of India Act. I am, therefore, moving this motion for cut in order to afford an opportunity for the Council to enter its emphatic protest against the policy of the Government towards this service. I raised the same question during the last budget session but like many other demands it proved futile.

Let us first look into the question of the need for such a service. The Lee Commission has said that it "has been the chief agent in spreading throughout India by means of collegiate and hospital teaching and by personal example, Western ideas of medicine, surgery and sanitation." Sir, that is a far wider question into which I have neither the desire nor the competency to enter—the question of how far the Indians themselves really required the spread Western ideas of medicine. Granting that they did, can any one deny that those ideas have now been placed on a sufficiently strong-footing, that there are thousands of Indian medical graduates who can carry out this task more efficiently and more cheaply than any body of experts from abroad? It is not necessary for me to mention the numerous Indians who have won distinctions in various branches of medical science and who can thus be trusted with the progress of Western medical science as safely if not

more so than these " untouchables " of our public service. In India, for good or for evil, the Western medical system has come to stay. There are large masses of the public who have come to believe that it has some valuable contributions to make. There are large numbers of medical men who practice the system and at the same time can impart its knowledge to posterity. It can no longer be contended that unless the I. M. S. men are imported from abroad the Indian masses will fall a prey to the amateurish practices of native quacks. Every capable Indian medical man enjoys a good practice and the foreigner in this profession is clearly an " unwanted thing."

Sir, this my sound strange in the ears of those who are accustomed to regard the British element as indispensable in the services. When the Lee Commission went into the question of reorganising the services they laid stress, not on the needs of the Indian civil population but on that of the Britisher in India for treatment by men of his own race. Sir, this Government and their agents have not always been above trotting out false and insincere considerations of popular good for justifying their selfish acts. Is it not significant, therefore, that in this case they have shifted their ground to the needs of the British population in India? Again the same Commission has given prominent consideration to the fact that the I. M. S. man can no longer look to a private practice as a sure and unfailing source of additional income. What does this mean except that the Indians have amongst them men of such outstanding merit that the foreigner can get no more than what the Government relying on its irresponsible powers could give them every month? Sir, I have said enough to show we have outgrown the need, if we ever had any, for the British medical officer in India. The Indian Medical Service thus fails to satisfy the first necessary condition—that of real need for its service.

Sir, the second consideration is that a service to be worthy of its name must be subservient to its masters. The very small measure of self-government which was accorded to this country has proved obnoxious to these men and the avowed object of the Lee Commission was to save them from the practical consequences of this constitutional change.

The Hon'ble Minister who is in charge of this Department is supposed to control these officers, to make them discharge such duties and in such a manner as the representatives of the people want them to do. I do not know if Sir Provash is candid enough to declare himself impotent in this respect. But let me point out that he has no control over the essential conditions of successful administration—the *personnel* of the service, its salary, its preferment and emoluments. These men are imposed upon the Minister from without and may continue in their position in spite of his protests and opposition. This incongruous situation is not, certainly, conducive either to the efficiency of the medical

department or to the growth of responsible Government in the province. Constitutionally speaking, the existence of the Indian Medical Service with its present status and privileges is a serious stumbling block in the way of ministerial responsibility and provincial autonomy.

It is also noteworthy that the Ministers are not without their share of the blame. Though it is true that they are bound by the orders of the Secretary of State, yet it is also true that even where any comparative freedom of action has been granted to them they have signally failed to utilise it in the true interests of the country. The Lee Commission suggested some reduction in the strength of the Indian Medical Service and recommended that some of the station filled by I. M. S. officers might be thrown open to the members of the general medical profession. The Secretary of State accepted the recommendation and the provincial Government was duly informed that some particular posts might henceforward cease to be the monopoly of the Indian Medical Service.

I ask, Sir, what has been the ultimate development of the matter? So far as we know, tht posts are still the monopoly of the Indian Medical Service. The members of the medical profession who do not belong to this charmed circle are shut out from them. In the Calcutta Medical College, again we remember, Sir, some reforms were initiated at the instance of the late Sir Surendra Nath Banerjea. But during the days when diarchy was suspended in this province and during the short period of Mr. Chakravarti's ineffective ministry, the hands of the clock were set back and the Indian Medical Service was again invested with its old monopoly.

It is only too evident, Sir, that the Minister is not able to make a stand against the powerful interests of the Indian Medical Service, even though he be supported by the consent of the Secretary of State and the Government of India. It is understood that the Government of India have reduced Bengal's share of the Indian Medical Service to seventeen. But instead of the four professorships of the Calcutta Medical College which in that case could go to the Indian Medical Service there are at present 17 on the Medical College list. Of the twenty important posts in the Medical College there are only three non-I. M S. professors. The position, to put it shortly, is just the reverse of what it should be. And another matter which I should not miss this opportunity of bringing to the notice of the Council is that even the military Assistant Surgeons of the Indian Medical Department class are being appointed to such responsible posts as the Superintendent of the Medical Schools. Apart from the obvious injustice to those who must have been overlooked this is a serious affront to the medical profession and I should so much appreciate the Minister explaining this unusual development.

And what is the result? The sense of prestige and possession has been hardened and Barnadoes rule where Indians of far greater ability have been kept out. Sir, I wonder with what feelings the Government regard the disclosures of the Medical College case? For it has been a favourite point with them that the British element is indispensable if high standards of efficiency and integrity are to be preserved. I can understand the perversity which induces Government to persist in this course of action. But I cannot understand how the Ministers can continue to overlook such a standing disgrace to our national self-respect. I must again request this House to bear in mind that, in this instance even the Lee Commission has not had the effrontery to suggest that the British members of the Indian Medical Service are indispensable for the medical care of the Indian people. The needs of the British population have avowedly been the primary consideration and this avowel has possibly sounded so curious even to their own ears that in some responsible quarters the odium of insisting on British medical attendance is shifted to the shoulders of the wives of the British officers. It is unnecessary for me to direct my criticism against a point which has been advanced with such evident hesitation and diffidence. Sir, we should beyond a doubt have had nothing to say if the pay of these officers were found from the contributions of the white men and women for whose service they are mainly intended. But when that condition is not fulfilled, is it not an elementary duty that we owe to our own people to express our disapprobation by passing this cut?

Srijut NAGENDRA NATH SEN: I rise to point out to the hon'ble members of this House the utter want of sympathy of the Government towards the indigenous systems of medicine prevailing in this country, namely, Ayurvedic and Unani. We speak of the Indianisation of the services and so forth, but before we can Indianise our own minds what is the good of Indianising the services. These Indian Ministers do not realise in their heart of hearts the efficacy of the indigenous drugs which are administered according to the Ayurvedic and the Unani systems. Then, Sir, there is antipathy and utter want of sympathy towards the Homeopathic system of medicine. If the medical service has to be run by the taxes levied on the people, then surely it is not equitable or proper to run the medical service on purely Allopathic system. I ask the Hon'ble Minister what he has done to popularise the Indian system of medicine, whether Ayurvedic or Unani, or whether he has done anything to introduce the Homeopathic system for the benefit of those who like such form of treatment. Why should the Allopathic system get the entire patronage of Government? Then, Sir, I would like to draw attention to the anomalous position of certain eminent Indian physicians, I mean kaviraies and hakims. Government have been pleased to confer the titles of Maha-

mohopadhya and Baidyaratna upon certain kavirajes. Their merit is recognised by Government by the conferment of titles and over and above this the Mahamohopadhyas get an annuity of Rs. 100. The title of Shifa-ul-Mulk is conferred upon eminent hakims. But whenever a Government servant has got to apply for leave, he must produce with his application a certificate from an Allopathic doctor, and a certificate from Mahamohopadhya or a Shifa-ul-Mulk will be of no avail to him. Why put them to these insults when you are not going to recognise them. The efficacy of these drugs has been publicly recognised by Government more than once, specially the Homeopathic medicine and the Ayurvedic medicine, in the Jail Department, where it is said that the efficacy of these treatments has been found to be more potent, in such cases as dysentery and diarrhœa, than the Allopathic treatment. Still we find the Government not taking any interest whatsoever in these systems of treatments. Up till now Government have not set up any department or appointed any officer to test the efficacy of these indigenous drugs or their comparative merits and demerits in relation to other drugs. It is time that the popular Minister should do something to recognise these indigenous forms of treatments.

4-15 P.M.

Rai HARENDRANATH CHAUDHURI: May I ask one question? It is this: whether it is a fact that the Lee Commission suggested that its recommendations should be considered as a whole and not be taken piecemeal? How many of these recommendations in connection with the Indian Medical Service have been turned down by the Secretary of State for India? And what protest, if any, has been lodged by the Minister in charge of the Department against the non-acceptance of those recommendations of the Lee Commission?

Dr. BIDHAN CHANDRA ROY: May I ask one more question, and that is whether the Hon'ble Minister can give us an answer why and how far Bengal has lagged behind in giving effect to the recommendations of the Lee Commission, as compared with the other Provinces, *e.g.*, Madras, Bombay, Allahabad, etc., and whether it is a fact that while in those provinces high posts like the Principal of the Medical College have been given to Indians, and that while practically all the posts that were recommended by the Lee Commission to be given to the indigenous members of the services have been given to them, it has not been so in Bengal.

Dr. KUMUD SANKAR RAY: I only wish to say a few words on the motion which was moved in my temporary absence by Babu Naliniranjan Sarker. I only want to ask the Hon'ble Minister to let us

know the principle and the manner in which the I. M. S. Civil Surgeons have been posted. In my district for several years the duties of the Civil Surgeon are now being performed by officers of the I. M. D., these posts used to be held by officers of the I. M. S. formerly. Many members of this House probably do not know what the I. M. D. means. It means an officer of the Indian Medical Department, and by that it means an officer of the Military Sub-Assistant Surgeon class; their qualification is not recognised by the British Medical Council. The Lee Commission has recommended the reservation of certain I. M. S. posts for districts. In the case of Burdwan the Civil Surgeon is an I. M. D. man, and he is not only asked to do the work as officiating Civil Surgeon of Burdwan where there should be an I. M. S. officer, but he is also the Superintendent of the Burdwan Medical School. So far as the appointment of I. M. D.'s as Civil Surgeons is concerned, it is bad enough but when Government appoint I. M. D.'s as Superintendents of teaching medical schools, I must enter my strongest protest.

The second point is about the recommendations of the Lee Commission with regard to the I. M. S. men in the Medical College. Many I. M. S. officers are being brought into Calcutta so that in the mufassal Civil Surgeoncies have to be filled by I. M. D. officers and in the district where there are some Europeans with their wives and families there are no European I. M. S. officers which was the reason put forward for reserving certain European I. M. S. in the districts by the Lee Commission. In Calcutta there are many European non-I. M. S. doctors and their services can be requisitioned by the European section of the community in Calcutta, whereas in the mufassal there is no qualified European doctor outside I. M. S. and the European element in the district suffers.

The Lee Commission have only recommended that 4 posts in the Medical College should be filled by I. M. S. officers, namely, the Professor of Surgery, the Professor of Midwifery, the Professor of Medicine, and the Professor of Pathology, but there are at present only 3 non-I. M. S. officers out of the 20 in the Medical College. I would ask whether it is fair to treat the recommendations of the Lee Commission in this manner. Is this a forerunner of the manner in which the Simon Commission's recommendations will be treated? The recommendations of the Lee Commission with regard to one particular service are treated with scant courtesy. I hope that the far-reaching recommendations of the Simon Commission which are being held out before us, will not deceive any body. The posts in the Medical College which are at present filled by I. M. S. officers can be filled up by private practitioners, or from the Provincial service; some of these private practitioners have already gained renown, and some of them are running a similar institution affiliated to the Calcutta University with a equality brilliant results, and there have been no defalcations or mismanagement as in the Medical College in that institution as yet.

These are the few points which I wanted to mention, and I hope the Hon'ble Minister will take a note of these remarks and let us have a reply.

(At 4-20 P.M. the Council was adjourned and it reassembled at 4-30 P.M.)

The Hon'ble Sir PROVASH CHUNDER MITTER: The difficulty I feel in speaking on a motion of this character is the variety of subjects introduced, some of them introduced without any notice. We tried to ascertain what were the points on which some of the speakers would touch, and although we got information with regard to some of them, with regard to this motion we could get no information at all. But I shall try to meet the arguments of the members.

I will first of all dispose of Babu Nagendra Nath Sen's request about the Ayurvedic system. Long before I came in, at the time of the late Sir Surendranath Banerjea, a Committee was appointed; that Committee put in a report; since then another informal Committee was appointed and I have the report of that Committee before me. In answer to a question put before in this House, I stated that I proposed to take up this question on its own merits, and on the recommendation of the reports of those committees, after the budget session. It would serve no useful purpose if I had gone into this matter as soon as I assumed office, because it is perfectly well known that the time for putting in demands expired in September, and I assumed office in October. I have explained this before.

As regards the question of the status of the Indian Medical Service, the members who addressed the House on that question know very well that that is not a matter in which we Ministers, or even the Provincial Government have a free hand. They know very well that under the direction of the Secretary of State, certain powers are reserved to the Secretary of State and the local Government and the Ministers administer them, and I can assure the House that in the matter of administration, I shall see that justice is done and above all I shall place the test of efficiency above everything else. During the few weeks that I have been in office, in spite of the interruptions of my friends on the left and right, and though I have very little time to devote to administration, yet I have tried to follow the rule of efficiency and to see that the justice is done to I. M. S. and non-I. M. S. men and to see that an I. M. S. man should not suffer because he is an I. M. S. man, and a non-I. M. S. man should not suffer because he is a non-I. M. S. man. That has been my policy in the past, and that will be my policy in the future, and the House will no doubt appreciate my actions.

Dr. Bidhan Chandra Roy has asked how it is that Bengal has lagged behind in the matter of the employment of non-I. M. S. men,

whereas other provinces have advanced. I think Dr. Roy and his friends can answer that question better than I can. In Madras there have been Ministers who have been supported by patriotic parties; so naturally they have been able to advance the cause of Indians. In Bengal there have not been Ministers, and perhaps that is one reason why in Bengal the Lee Commission's recommendations on points favourable to Indians have not been given that effect which in the other sister provinces they have had. But I do not want to be hard on my friends in spite of the attitude they have taken up, as I have enough confidence in my friends to the left, the British group, who, so long as I do my best, will give me their support

Dr. Kumud Sankar Ray has referred to the number of Civil Surgeoncies held by I. M. S. and non-I. M. S. men. If I had had notice that this question would be raised, I would have dealt with it more adequately, but speaking from memory, and with the assistance of the Secretary, I can say that there are about 28 Civil Surgeons, out of which only 9 at the present moment are held by I. M. S. officers, so that at the present moment about 66 per cent are held by non-I. M. S. men.

4-45 P.M.

In these matters I would again repeat that the question is not one of I. M. S. or non-I. M. S. men, the question is one of efficiency and subject to efficiency Indians ought to have their chance—a far better chance as the country is their own—in the service. Applying that standard it will be found that out of 28 appointments (Civil Surgeoncies) only 9 are held by I. M. S. men—and some of them are Indians—and although I do not take any credit nor am I responsible for this as it happened before my time—I do not really think that it is a position about which there can be any complaint.

I have said informally times without number and I say this publicly to-day—let my friends to the right go against the Ministers and their salaries, but as regards day to day work let them appoint a committee of five and it shall be my endeavour to discuss all these questions with them. I may not agree with all that they would say but I promise to consider all the suggestions put forward by such a committee and I shall always consult them not only with regard to Medical but also with regard to other departments as well and I make the same offer to every other group in this House. As the Swarajist group is the largest in the House I ask them not to indulge in the pastime of Minister-baiting but to help the Minister as patriots and as belonging to the patriotic party.

Sir, as regards this token cut I say further that I shall carefully consider this question when the time comes for me to frame my first

budget, and anything reasonable which has been put forward it will be my endeavour to consider it at that time.

Rai HARENDRANATH CHAUDHURI: Sir, may I ask a question to the Hon'ble Minister? I put one specific question to him for replying, *viz.*, how far the recommendations of the Lee Commission have been turned down by the Secretary of State so far as the recommendations relate to the I. M. S. and the Medical Service and if this is the case what steps the Minister has taken to make the Secretary of State revise his decision.

The Hon'ble Sir PROVASH CHUNDER MITTER: I thought I had replied generally to all these. But I have no objection to replying to this question specifically. Since I took over charge a few weeks ago my time has been taken up so much by the obstructive tactics of my friends that I have found no time to apply myself to this question. Further I may say that no good purpose will be served by any changes that I thought of introducing as that would have necessitated a change in the budget. I have explained several times that I could not introduce anything new in the budget after I took over charge. But I promise this that before the next year's budget is framed I shall go into this matter very carefully and although my friends to the right may go on with their play of Minister baiting, I shall do my duty to my country and to my community.

Srijut NAGENDRA NATH SEN: On a point of information, Sir? May I enquire of the Hon'ble Minister under what section of the Act or Rule this committee of five that he has proposed is to be appointed and what will be the statutory powers, duties and responsibilities of that committee.

The Hon'ble Sir PROVASH CHUNDER MITTER: Under the rules of common sense, under the rule of decency and under the rule of service to the country and the community.

Babu MANMATHA NATH ROY: May I ask under what rules of common sense and decency committees which have already been appointed by this House have not been consulted adequately in the matter of medical department and education?

The Hon'ble Sir PROVASH CHUNDER MITTER: Since I have accepted office I have made it a point to call these committees. Even this morning I called a meeting of the committee but none of the Swaraj members turned up nor any other non-official members.

The motion that the demand of Rs. 6,19,000 under the head "32A.—Medical Establishment" be reduced by Re. 1 was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Atiquilah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Prometha Nath.
Basu, Babu Sasi Sekhar.
Bose, Babu Bejoy Krishna.
Bose, Mr. Subhas Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Dutt, Babu Saral Kumar.
Farequi, Khan Bahadur K. G. M.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Babu Satyendra Chandra.
Gupta, Mr. Jogesh Chandra.
Hoque, Kazi Emdadul.
Karim, Maulvi Abdul.
Khan, Khan Sahib Maulvi Muzzam Ali.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Poddar, Mr. Ananda Mohan.
Rahman, Maulvi Shamsur.
Raikat, Mr. Prosanna Deb.
Rauf, Maulvi Syed Abdur.
Ray, Babu Radha Gobinda.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Sanyal, Babu Sachindra Narayan.
Sarker, Babu Naliniranjan.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Solaiman, Maulvi Muhammad.
Suhrawardy, Mr. H. S.

NOES.

Abbott, Mr. E. G.
Ahamad, Maulvi Kasiruddin.
Cassells, Mr. A.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Day, Mr. G. C.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Eddis, Mr. A. McD.
Ghose, Mr. M. C.
Guha, Mr. P. N.
Haque, Khan Bahadur Maulvi Azizul.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Nuq, Khan Bahadur Maulvi Ekramul.
Hussain, Maulvi Latafat.
Lindsay, Mr. J. H.
Luke, Mr. N. R.
MacBean, Mr. J. A.
Macdonald, Mr. A.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Nandy, Maharaj Kumar Sris Chandra.
Nelson, Mr. W. H.
Phelps, Mr. Trevor J.
Prentice, Mr. W. D. R.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Saohse, Mr. F. A.
Sarbadhikari, Dr. Sir Deva Prosad.
Sarker, Rai Sahib Rebati Mohan.
Sen, Mr. Satish Chandra.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Tate, Major-General Godfrey.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 38 and the Noes 40 the motion was lost.

Dr. KUMUD SANKAR ROY: I move that the demand of Rs. 24,17,500 under the head "32B.—Hospitals and dispensaries" be reduced by Re. 1.

Sir, the object of my moving this motion is to draw the attention of this House to two important problems which face the public of this province. The first is the begger problem which interests the

public of Calcutta more particularly and the second is the tuberculosis problem. These are two important points to which I should like to draw particular attention of the members of this House. Every one of us in Calcutta is aware of the great difficulty in the hospitals to admit a large number of patients and to keep them for a very long time because some of the patients are so poor that even when they are partly cured or in some cases when there is no chance of ever being cured they have to be kept for a long time in the hospital. The result is that urgent and acute cases cannot always be admitted. To remove this evil, different provinces in India, particularly Bombay and Colombo, have passed a Vagrancy Act and at the same time have made special provision for the accommodation and housing of these diseased beggars as well as "work houses" for able-bodied beggars. In Colombo this matter was taken up in right earnest as early as 1907. In Bengal Mendicancy Committee was formed at the instance of the Legislative Council in 1918 and it may be known to some members of this House that this Committee went into the whole matter and recommended to the Government to open an institute for the residence of diseased beggars suffering from incurable diseases. They further recommended that the existence and the maintenance and the financing of an institute of this nature should be borne by the Calcutta Corporation and the Government of Bengal in equal share.

5 P.M.

Now, Sir, it is known to everyone of us that since 1918 various attempts have been made by members not only on this side of the House but also by members on the other side of the House and by Mr. Campbell Forrester particularly regarding the urgency and the great need of doing something for the beggar problem in Calcutta, but unfortunately nothing has been done. Only a few years ago at the instance of the late Mr. C. R. Das, a committee was appointed under the auspices of the Calcutta Corporation to investigate the problems and several schemes were invited from the Salvation Army and other people, and a scheme was finally adopted which was submitted by the authorities of the Jatiya Ayurbijnan Parishad, and they have already started a small hospital at Maniktala with Mr. Campbell Forrester as Chairman of the Managing Committtee and the Corporation has come forward with a recurring grant. The authorities of the Parishad approached Government and also the Corporation authorities to help as recommended by the Mendicant Committee which was appointed as early as 1918, but, Sir, it will interest many of us to hear the reply given by Government to the Corporation of Calcutta in reply to their request to Government for bearing half or a portion of the maintenance charges of an institute of this nature. Government very courteously denied their responsibility in this matter on the plea that they were already spending a very large amount of money

for the treatment of patients and for founding hospitals for the public of Calcutta, and they did not see their way to make any further grant regarding this institute, the cost of which should be entirely borne by the Corporation of Calcutta. Sir, I want to show that this statement may be very ingenuous but is not quite correct. The assertion made by the Government that they spend a large amount of money for the founding and establishing of hospitals is not correct. Many of you know that probably all the hospitals owe their foundation to public benevolence. Even the Medical College was founded by the charity of Manicklal Seal and the Lahas and other well known men who were charitably disposed and there are many hospitals at present in Calcutta which get no grant from Government at all and there is hardly a hospital—and I challenge the Minister in charge to quote any hospital—which depends entirely on Government grant. So it is idle for Government to shelve the problem and shirk their responsibility by saying that because they are spending—which is not true—a large amount of money for the treatment of patients in Calcutta they do not want to spend any further on the matter of beggar problem and a hospital for incurable diseases. A large number of these persons really belongs to places outside Calcutta; only 25 per cent. being born in Calcutta, the rest coming from the districts. And not only that; about 80 per cent. of all the patients in the indoor hospitals of Calcutta come from the mufassal. Those of us who have any practical experience will bear me out when I say that more than 80 per cent. of these patients come from outside Calcutta! So it is far from truth to say that the money spent for the maintenance of Calcutta hospitals is entirely spent for the Calcutta people whereas the Calcutta hospitals are really more or less a provincial matter, because money spent on these patients are really spent on people who come from different quarters of the province, and that can legitimately be claimed as a charge on provincial revenue. The appeal of the authorities of the beggar hospital has met with kind response from the Corporation of Calcutta who have come forward with help, but when Government was approached for a grant Government took shelter under the Meston Settlement and the Hon'ble Minister washed his hands clean off the matter by saying that he was not responsible in framing the present budget.

Now, this is the sort of thing we want to protest against and I would ask my friends on the other side of the House to join us in our protest against the conduct of Government. A few days ago we were told that an association would be formed for dealing with the juvenile offenders. The Government is very careful about its ways—personally I am quite in sympathy with the juvenile offenders and I have got no bones to break against them. But what I object to is the way in which the Government discriminates between different institutions. When a scheme is put before them Government is very particular in criticising

the scheme from every point of view—whether the scheme is perfect, whether the scheme is financially sound, whether the authorities have got sufficient money to meet the maintenance charges, and even if you satisfy them on these points Government will say that they have no money and if you ask for a portion of the maintenance charge you will have to show that you can meet the other charges from sources other than Government. Now this is the way in which matters are shelved: instead of giving a straightforward reply they go in a round about way and unnecessarily delay matters. Even if a scheme is recommended by the Surgeon-General Government will come forward and say that the scheme is too ambitious and will ask you to put forward a modest scheme. It is only on rare occasions that Government gives grants or an assurance of grant to a non-official institution which happens to be inaugurated under the auspices of some high Government officials. The Hon'ble Minister has said that he has been able to provide Rs. 50,000 for the Calcutta Medical Institute. I congratulate them on their success in getting this out of Government, but may I mention that the authorities of that Institution had been trying for some help for the last 20 years but had it not been for the fact that Lord Lytton laid the foundation stone this money would not have been forthcoming. It is no secret and it is a plainful fact that I am disclosing to this House that no charitable institution managed by non-officials—no matter how good and benevolent work it has been doing—cannot get anything out of Government unless it can win over some high official of Government.

Before I sit down I will instance the case of another institution—the only institution of its kind in Bengal—that is the Tuberculosis Sanitorium at Jadabpur—and I am proud to announce to this House that that hospital has been started by the initiative and labours of my friend on the right. Many of us will be shocked to hear from me that the statistics show that more than 1 lakh of persons die of tuberculosis in Bengal and yet there is not a single hospital in Calcutta except 20 beds in the Medical College. The authorities of this hospital at Jadabpur, which is being run with great difficulty by the generosity of some of my friends have been asking Government to come forward and help them in acquiring a small plot of land to extend the building for the purpose of accommodating a larger number of applicants who are refused admission daily. But what response did they receive from Government? They as usual took shelter under the Meston Settlement and urged them to submit a complete and comprehensive scheme, and when a complete and comprehensive scheme was drawn up and submitted to them they said that the scheme was too ambitious and that they should come forward with a modest scheme. These are the two things to which I want to draw the attention of the members of this House and I hope that the suggestions will not fall on deaf ears.

Khan Bahadur Maulvi AZIZUL HAQUE: I take this opportunity of saying that so far as some of us in the mufassal are concerned we have to feel the want of accommodation in the Medical College hospital and other hospitals in Calcutta and I think what the Hon'ble Minister should do is to extend the accommodation in the Medical College which is under the direct responsibility of Government. I may also draw the attention of the Hon'ble Minister to the fact that it is very much desirable that some of the complaints made from time to time about the Medical College should be enquired into and publication is made in the paper as to what the results of these allegations are. I know it was only a month back that a Muhammadan, Shahjahan Ali, was not admitted into the Medical College who was suffering from a bad and nasty accident as the result of which his case became worse. The Hon'ble Minister owes it to the public to at least enquire into such public complaints from time to time and to give out as to what has been the results of the enquiry. I do support the motion of my friend so far as the question of the inadequacy of hospital accommodation is concerned and I would draw the attention of the Hon'ble Minister to the fact that these complaints should be inquired into so that the public might know the results of these inquiries.

Kazi EMDADUL HOQUE: I support the motion. My friend Khan Bahadur Azizul Haque has just now mentioned of a boy who was not admitted into the Medical College hospital. The name of the boy is Sajahan Md. Abdul Mayeed, a second year I. Sc. student; he met with an accident on the 4th of February, 1928, which resulted in a compound tracture of his right arm. He was immediately taken to the Medical College hospital but the officer in charge of the Emergency Ward dealt with him in a very bad manner and dismissed the boy on the ground that there was no seat. Now, Sir, it was a case of compound fracture requiring immediate attention of the authorities and the boy should not have been dismissed because there was no room. Now Khan Bahadur Maulvi Md. Abdul Majid, father of that boy, wrote a letter to His Excellency the Governor and the Private Secretary to His Excellency the Governor wrote in reply thus: "I am in receipt of your letter, dated the 14th February, 1928, which I read over to His Excellency and under his orders I have forwarded the letter and its enclosure to the Surgeon General." Now, Sir, in this letter there is not a word of sympathy, not to speak of a word of regret yea, this letter is absolutely free from any touch of human feeling—simply it says that the letter has been forwarded to the Surgeon General—but for what purpose—even that is not mentioned. Now, Sir, this is the way in which the Medical Department is serving the suffering millions of our country. I would, therefore, like to make a few remarks regarding the policy underlying the Medical Department. The Hon'ble Sir P. C. Mitter has asked us for a big grant to enable him to carry on efficiently the work of the

Medical Department. Of course if the object be what it appears to be, nobody can object to this demand.

5-15 P.M.

But I do not think there is any laudable object behind it. I do not think that Government is running this department for the benefit of the poor people of this country; I am sure Government is not running this department to give medical aid to the millions of people of this country; I am sure Government is not running it out of any philanthropic or altruistic motive but that it is running it for exploiting the Indian national wealth for the welfare of others. It cannot be gainsaid that a major portion of the grant is swallowed up by the officers under the top-heavy system of administration and the little that is left goes to the *bhadralok* classes. But whether even an infinitessimally small portion of it will ever go to the needy persons, I mean the poor cultivators, is a very difficult question to answer. The officers in the highest grades of the department are generally recruited from the European I.M.S.'s who enjoy a very handsome pay and get also house allowance, hill allowance, passage money, overseas allowance, and what not into the bargain. This department is not only run merely for the purpose of providing these officers with big situations in India but Government has got another view also. Government wants to kill two birds with one stroke. It wants to provide for European I.M.S. officers in India and also wants to put money into the pockets of other people, namely, the druggists, the apothecaries and manufacturers of medicines, in Europe. If the Government has any good intention or if the Government is really anxious to give medical aid to the suffering classes of our country then Government can introduce and establish other systems of treatment which are more efficacious and less costly. Considering the poverty of the people of this country it is very necessary that Government should give proper scope to homeopathic treatment, which is the cheapest treatment nowadays, but Government does not see its way to recognise Homeopathy, Ayurvedic or Unani system of treatment. The reason is not far to seek; the reason is quite palpable; for behind every act of Government's apparent benevolence underlies a hidden motive and that motive is to exploit the interest of India for the good of others. The medical schools and colleges now extant in the country are only the manufactories for turning out agents for the sale of Allopathic medicines. If in spite of all these things the Hon'ble Minister maintains that Government has been maintaining this department out of a purely philanthropic or altruistic motive I should like to make a statement here that Government is prepared to recognise other systems of treatment which will do more good to our country than the system of Allopathic medicines. With these few words I support the motion moved by my friend.

The Hon'ble Sir PROVASH CHUNDER MITTER: I am really thankful to Dr. Ray for bringing in this motion to discuss a subject of such a burning interest as tuberculosis, as well as the problem of beggars in Calcutta. It is hardly necessary for me to meet his allegations about past action on the part of Government. I agree with him when he says that it is a problem of problems, a problem of prime importance, but it is necessary for the Government and the Corporation to join hands and try to solve this problem to the best of their ability. To that extent I can assure Dr. Ray and others in this House that I shall not be wanting in my efforts. It is no good making promises without proper enquiry but I am willing to give the House the promise that I will enquire into the question and do the best I can within the limits of our power.

As regards the beggar problem I believe that committees were appointed in the past but I have had no information that this particular question would be discussed to-day. So I am afraid I have not been able to look into the matter and even if I had, as I have explained repeatedly, it would not have served any useful purpose so far as this year's budget is concerned. But a discussion like this will at least be of the greatest possible use if it is properly utilised and if its object is helpful. In that spirit I say I shall look into the file very very carefully and I can assure the House that in a matter like this I shall be of help to them.

As regards the Jadabpur tubercular sanatorium I understand that correspondence is going on with Dr. Roy about Government assistance to the hospital at Jadabpur, which I am told is discharging a very useful function. As correspondence is going on and as the matter is under consideration I can promise Dr. Roy this: I shall give the matter my personal attention and whatever is possible within the limits of the well known financial difficulties of this Government will be done. It is no good saying that we must not always refer to the Meston Settlement but we cannot run away from that fact but in spite of the limitations I shall try to do all that I can for the hospital.

As regards the complaint against the Medical College hospitals, especially against the treatment they meted out to one Sajahan, I had no previous intimation of this matter, but I have just been informed by the Surgeon-General after Khan Bahadur Azizul Haque mentioned the case that the matter is being enquired into and I may tell the House that whenever any complaints relating to mal-administration in hospitals are made they will receive my personal attention. I shall make it a point to enquire into them, but I shall ask the House to remember that these hospitals have to discharge a very difficult duty and if there are any people who may be lacking in their duty the superior officers have instructions to see that they do their work properly. The authorities of the hospital have also a right to expect co-operation from the public

and I am sure that the public will also help them in preventing abuses and in bringing about better administration. I am sure the Surgeon General will always be very pleased to enquire into these matters and the immediate heads of the medical institutions whether of the medical College or the Campbell Medical School will also do the same. It is no good criticising the medical institutions; let us try and help them.

As regards the other systems of medicine, namely, Ayurvedic, Unani, etc., I said only a few minutes ago what I had to say on the subject.

The motion of Dr. Kumud Sankar Ray was then put and lost.

The motion that sum of Rs. 48,91,000 be granted for expenditure under the head "32.—Medical" was then put and agreed to.

The time-limit under the head "32.—Medical" having reached the following motions were not put:—

Dr. KUMUD SANKAR RAY: "That the demand of Rs. 1,59,000 under the head '32C.—Grants for medical purposes' be reduced by Re. 1."

Dr. KUMUD SANKAR RAY: "That the demand of Rs. 8,31,700 under the head '32D.—Medical Colleges and Schools' be reduced by Re. 1."

Dr. KUMUD SANKAR RAY: "That the demand of Rs. 7,52,400 under the head '32E.—Mental Hospitals' be reduced by Re. 1."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 48,91,000 under the head '32.—Medical (Reserved and Transferred)' be reduced by Re. 1."

33.—Public Health.

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (PUBLIC HEALTH), (the Hon'ble Sir Provash Chunder Mitter): On the recommendation of His Excellency the Governor I move that a sum of Rs. 37,14,000 be granted for expenditure under the head "33.—Public Health." Here too I may remark that this is a budget which I had to adopt and that the particulars are set out in the Bengal Financial Statement (Red book) for 1928-29. I should like to inform the House that the grant of Rs. 2½ lakhs for rural water-supply, which was originally given for a period of 5 years only, has now been put on a permanent basis. This has been done since I joined the Government, in connection with the scheme for the rural

water-supply loan. The outlines of that scheme have been published and I need not take up the time of the House by placing further particulars.

Rupees 6,00,000 has been provided for rural public health organisation. This scheme has already started working and a number of rural health centres have been opened at the beginning of last August. The scheme must be regarded as incomplete until all the rural thanas in the plains districts of Bengal have been provided with the health staff contemplated in the scheme. The total cost will then be between 11 to 12 lakhs. Full effect can only be given to the scheme when a sufficient number of trained officers is available. Training is proceeding but it has been calculated that only about half the thanas can be staffed next year. Grants have been provided for certain municipal water-supply schemes. I trust that next year it will be possible to make larger provisions for loans required for extension of municipal water-works.

The grant for the provision of free quinine has been increased by Rs. 62,000.

Another new feature in the budget is a provision for the manufacture of anti-cholera vaccine. Until this year we obtained our supplies of this vaccine from Kasauli at a cost of two annas per cubic centimetre. A laboratory was opened this year for manufacture of this preparation in Calcutta, and Dr. Bentley is able to turn out large quantities at a much lower cost per cubic centimetre than if we continued to buy from Kasauli. During the recent cholera epidemic there was a very large unforeseen demand for inoculation and I am glad to state that our laboratory which worked at high pressure has helped us a good deal in meeting this unforeseen demand for inoculation. After the decrease of the epidemic a large reserve stock has accumulated which should be sufficient to provide for future emergencies.

I would conclude by saying that I shall listen with great interest to the remarks which will be made by the hon'ble members on the various token cuts that have been tabled and I trust it will be possible for Government to profit by the discussion of these token cuts.

5-30 P.M.

Babu JATINDRA NATH CHAKRABURTTY: In the absence of Babu Akhil Chandra Datta I beg to move that the demand of Rs. 7,82,000 under the head "33A.—Public Health Establishment" be reduced by Re. 1.

Sir, the health of the country is the most vital problem of the day. In fact, it is the problem of problems that has stared us in the face. Bengal, which has been called by Lord Macaulay "the garden of Eden" in health and prosperity is now an abode of diseases and poverty. Hundreds of thousands of inhabitants are annually carried away by

malaria, cholera, smallpox, kala-azar, consumption and similar other diseases. Young men and women, who if spared would have been a national asset, are being daily cut-off in the prime of life. Many a home has been desolate, and many a village that was once gay and prosperous has been ruined by fell diseases. This question is intimately connected with economic and irrigation question of the country.

The question of sanitation cannot be solved without solving the poverty of the people. It is not more than half a century when a Bengal village was an ideal place to live in. Plenty and prosperity flourished in villages. There was a sufficient supply of good drinking water. Starvation was unknown. Hence Lord Minto, who came to Bengal from Madras, was struck by the gigantic physique of the Bengalees. But where are those specimen of our country-men gone? The woe began with the introduction of railways in Bengal. Railway which helps trade and industry in a free country proved a veritable scourge in Bengal—possessed of the fatal gift of beauty. Foreign capital, which began to come in with the advent of the East India Company multiplied to an enormous degree with the introduction of iron horse and reached the very corners of remote villages.

Cottage industries which supplied sap to the nation from time immemorial was smashed. Potters, weavers, black-smiths, etc., were ruined by foreign merchants and the whole country presented a picture of woe, desolation, and poverty.

With the introduction of railways, rivers dried up, malaria made its appearance and began to sweep away inhabitants by thousands annually. But the misery multiplied tenfold with the acute poverty of the people, 80 per cent. of whom do not know what it is to have two meals a day. With acute poverty at door, malaria and other epidemics in the land do you wonder that the rural population in Bengal is fast dwindling away. But the wonder of wonders is that the tax gathering government of our country stood in supreme apathy at the rapid decadence of rural population and did not move its muscles, to remove the causes of the woeful plight of the country that is eating into the very vitals of the nation.

We cried ourselves hoarse in Council, press and platform, but our cry has been a cry in the wilderness. The desolate condition of Bengal did not move the iron hearts of the rulers. Although taxes in the name of cesses were levied with the express purpose and condition for the improvement of village sanitation, but I am ashamed to tell you that the promise has not been fulfilled by Government, not even one-fourth of the local cess is spent by Government for the purpose it was levied for.

The rural population must be saved and the Government must come with open hand. There is no time for dilly-dallying. Now or never is

the time. We have waited long and cannot afford even to lose a day. We all know of the health chart of Bengal prepared by Dr. Bentley. A cursory glance at it will bring home even to a hostile mind what havoc is being wrought by diseases in Bengal. Are not the figures of death appalling. They are more eloquent than speeches.

Dr. Bentley says in his evidence before the Agricultural Commission that most of these diseases are preventible. If preventible why not prevent them. Dr. Bentley says again, if I remember aright, that with 50 lakhs of rupees in his hand he is able to stamp out contagious diseases from Bengal within 3 years.

Do you think that 50 lakhs of rupees are more valuable than saving human lives. Which Government is there that will not stand twenty times 50 lakhs for saving the lives of people entrusted to its care. Government in Italy, Greece and Turkey has stamped out malaria from their respective countries. Panama Canal which was once full of malaria has been freed of disease by the unstinted efforts of its Government. What has been done by other Governments can be done by our Government. I think there is no greater duty on the part of the Government than save its teeming millions entrusted to its care and a day will come when the Government will have to render an account of what it has done here at the bar of humanity. Will it be glorious on its part to be told that it has turned a fair country into a desert, a prosperous land into swamps, and left a rich and clever people with begging bowls in their hands. The latest official record disclosing the percentage of mortality is simply staggering.

In 1926 the number of recorded births in Bengal was 12,76,380 against 13,77,097 in 1925, and the provincial birth-rate during the same year was 27·4 per mille as compared with 29·6 per mille in 1925 and the quinquennial average of 28·9. The aggregate birth-rate in the districts of Bengal shows a decrease of 6·6 per cent. The provincial death-rate in 1926 was 24·7 per mille as compared with 24·9 in 1925 and the quinquennial average 26·3 per mille. Infant mortality in 1926 was 2,51,184; these infants are under one year of age as compared with 2,49,582 in 1925. The total mortality shows an excess of 8·6 per cent. There were 59,106 deaths from cholera in 1926 against 34,276 in 1925. Smallpox during the year 1925-26 was 25,548; again showing an increase of 25 per cent. In 1925-26 the mortality from fever was 8,22,774 against 8,74,228 showing a ratio of 17·7 per mille. The mortality from kala-azar was—

In 1923	..	4,565
,, 1924	...	9,997
,, 1925	...	16,766
,, 1926	...	14,275

The District Boards and the Government if determined can successfully combat these fell diseases and save the country from the grip of these dire calamities by having recourse to preventible measures in all possible ways.

The Government must remember that we must not live tc die only. The question of shortness of fund will not stand in the way—if the lives of these dumb millions are considered of any value.

Mr. W. L. TRAVERS: Sir, I do not know if I am in order in asking for a little information from the Hon'ble Minister about the progress of his scheme for the improvement of the water-supply of the province. It is quite unnecessary, I am sure, for me to point that that improvement is in reality and practically more necessary than any other for the people of Bengal. I do not say, Sir, that nothing has been done, something has indeed been done. The grants that have been made to the District Boards have resulted in some progress and some improvement and concrete wells and tube-wells have been installed in good many districts; tanks have been reclaimed and so on. Still, the means at the disposal of the District Boards is entirely insufficient for their general needs and absolutely insufficient for their special needs in this direction. Therefore, it is of great interest to every member of my party and also to every member of this House to hear whether there is some real prospect of the Hon'ble Minister's scheme for the improvement of the water-supply of the province really coming into actuality.

Dr. KUMUD SANKAR RAY: Sir, I just want to say a few words with regard to this demand, in order to draw attention to the fact that there has been considerable overlapping of activities between two Government institutions, and as a result of that overlapping the activities of the Public Health Department have been considerably hampered. With your permission, Sir, I would refer to certain actual facts. Certain works were being carried on by the Public Health Department, and the works were of a peculiar kind. These works had to be carried on in the fields and entailed field survey, collection of statistics, and other enquiries regarding the prevention of certain kinds of diseases. For this purpose a malaria observation centre was established at Sonarpur and Krishnagar.

5-45 P.M.

These two places were doing very good work but for some reasons or other these two centres were stopped and the work was entrusted to the authorities of the Tropical School of Medicine, which is an Institution entirely devoted to research work—research in tropical medicines —whereas the work of the Public Health Department is of a different

nature—the research and collection of facts and data in the field, a sort of survey work. The work of the Tropical School is centred in laboratory and cannot be carried on in the field. In the matter of hookworm investigation, the work of the Public Health Department has been stopped and the work taken over by the Tropical School. The same is with the kala-azar investigation; and quite recently the authorities of the Tropical School have advertised for a man for publicity work which was being done by the Public Health Department. The work in connection with standardisation of edible oil has also been entrusted to the Tropical School by taking it away from Public Health Department.

Then, as regards the teaching of public health, in other countries there is an Institute of Public Health and in Burma, Colombo and other provinces in India they are about to start an Institute of Public Health for imparting training in public hygiene and sanitation. The task of training Assistant Health Officer is being done by the Public Health Department. If the Tropical School was doing the training work in regard to Public Health Officers, why should they not take up the training of Assistant Public Health Officers as well?

Then, again, there are bacteriological laboratories in the Public Health Department. But their work is administered by the Medical Department, by the Surgeon-General, and there is a considerable overlapping in regard to this work. I wanted to draw the attention of the Hon'ble Minister to these things.

There is another point and this is in regard to public health organization scheme for which Assistant Health Officers are being trained. The scheme which has been sanctioned offers to pay Rs. 100 a month to the Assistant Public Health Officers. The scheme will operate within the jurisdiction of one thana in each district. Rs. 800 has been provided for the pay of one Health Assistant and for the purchase of medicines, etc., so there is altogether a provision of Rs. 2,000 a year for each thana. The work will be carried on during epidemics and in other times there will be health survey and preventive work. The District Boards have been entrusted to carry on this work according to the scheme laid down by Government. But the District Board finds that if Rs. 100 is given to a qualified medical man as a sort of subsidy the work will be carried on better. At the same time it will encourage qualified medical men to start practice in mufassal. There are a number of qualified medical men in Calcutta. But so far as the mufassals are concerned, there is dearth of qualified men as they do not care to start practice in the mufassal as they fear they would not have good practice there. The mufassal people suffer a good deal for want of qualified medical men and if qualified medical men are subsidised they will do the work better than ordinary laymen on Rs. 100 a month even if you want you can give them a special training in public health and in sanitation.

Dr. BIDHAN CHANDRA ROY: Sir, my hon'ble friend has complained that, while we are trying the game of throwing out Ministers, we are neglecting to co-operate with him for the purpose of bringing about a better state of things so far as public health and medical relief are concerned. There is a good adage in Hindi "*Rope Pehr babul ka, am kahanse hœ*" which means if you plant a shrub you cannot have mangoes growing out of it. The particular system in which we are working, it is impossible to do anything under the present system, though my Hon'ble friend, the Minister, may think otherwise. Why do I say so? I will give him two examples—one from the neighbouring province of Assam and one from this very province—which will show how impossible it is to work the present system. There was an epidemic of kala-azar in one of the villages in Goalpara district in Assam. The Deputy Sanitary Commissioner was sent round to investigate. He sent an urgent wire to the Minister in charge of that Department. He sent also one to the Sanitary Commissioner of the Province. I might say that Assam employs 19 Sub-Assistant Surgeons for the purposes of doing this kind of work. This telegram was sent by the Sanitary Commissioner to the Inspector General of Civil Hospitals for enquiry, who sent it to the Secretary in charge of that Department. He sent the telegram to the Commissioner of the Division and the Commissioner sent it to the Deputy Commissioner in charge of that particular district. The Deputy Commissioner sent it to the Civil Surgeon for enquiry and report. He submitted a report which was sent by the same route, ultimately to the Secretary of the Department and then it came to the Minister. The result was that the order came 18 months after the epidemic had started. I need hardly tell you that so far as that district is concerned the people who had to die, died and those who were destined to live, lived.

The other case relates to Birbhum district. There was provision of Rs. 16,000 for anti-cholera operations in Bengal about 2½ years ago. The Director of Health applied for Rs. 5,000 out of the grants when an epidemic broke out in Birbhum. Three months after that application was made, the reply came that the money could be had. Here also the result was that those who had to die had died and the Director of Public Health replied that the money was not then necessary. The Finance Department became richer by Rs. 5,000. My point is this: The present system will not do. The late Finance Member, Hon'ble Sir James Donald, once declared that Government had adopted Mr. C. R. Das's policy in regard to this matter. I deny that. The most fundamental character of that policy was that you should make over the whole of the public health work to a Board of Trustees in which the people are well represented who shall have statutory powers to carry on the public health work and who will be responsible to see that no part of the province remains without a public health organisation. At present we have got District Boards who have their own

District Health Officers. I am told that the money which has been reserved for public health under C. R. Das's scheme is being administered through the District Board. That is exactly what we are complaining of. The constitution of the District Boards at the present time is not such that it will be possible for them to do anything systematic in regard to public health work. There are no provisions in the Act which would bring in men with special knowledge of sanitary engineering and health work as members of the District Boards. There is again the control of the Director of Public Health and the Surgeon-General in these matters. I saw somewhere a note drafted by one of the Directors of Health regarding a particular matter—I think it was the case of preventing smoke nuisance, in Calcutta. He said that there are 19 different individuals who have a say in the matter—the Health Officer of the Corporation, Health Officer of Port of Calcutta, the Inspector of Smoke Nuisances, etc. Therefore our complaint is that however much the Minister may desire, the present system is unworkable. It is impossible for any Minister to do the work and it is impossible for us to co-operate unless we know where we are. If you have a Public Health Board controlled by the people you will really be giving something which is definite—which is tangible, which people can work with confidence and which will do good to the people at large. The present policy of the Department of Health is a policy which has gone through various metamorphoses during the last 100 years. The Hon'ble Maharaja Bahadur of Nadia once said that he did not go to England so he did not know how the thing was being worked there. The Hon'ble Minister has been to England and if he goes there next year I will ask him to find out how it is worked there. Up to 1870 the position was exactly the same as here, but after the passing of the Public Health Act in 1875, a statutory body has been created who are responsible for carrying particular schemes into action. The entire responsibility was made over to this body for carrying out a definite policy in regard to public health work there. It is not possible for the present Hon'ble Minister to lay down a policy here. He is only to carry out the present policy. He cannot create a new policy within the course of a year. Even if he is left in charge of the Department for the next 10 years he will not be able to create a new policy. And that is because he has no personal knowledge of the Department and also because he has no power to control those who have, in the past laid down the present policy, in a particular line. If he wishes to do any good I will ask him to look into the fundamental factor in Mr. Das's policy and to create a statutory body which would be charged with the duty of carrying out public health work throughout the province. If you would keep Rs. 12 lakhs for this purpose to be spent by that body you will save the lives of a great number of people in this province. The duty of carrying out this task will not depend on a particular Minister but upon a statutory body.

6 P.M

Babu SARAL KUMAR DUTT: Sir, in supporting this motion I beg to say a few words. In a country where the Government think more of the so-called "law and order" policy which governs the safety and prestige of the bureaucracy than of the law which governs the life and safety of the people, it is no wonder that the Police gets two crores while the Medical and the Public Health together get less than a crore. Sir, we shall not be surprised to learn that here in our country people die like cats and dogs, and most of them from preventible diseases, untreated and uncared for. Conferences are held from time to time at the Government House to suggest remedies for the eradication of malaria and other preventible diseases; crocodile tears are shed for the huge waste of human lives. But when the question of remedy comes, the Government turns a deaf ear to appeals for finance. Nine lakhs more for the Police, for mosquito nets, for the comfort of the sergeants whose main duty is to belabour those who cry *Bandemataram* or take part in political activities. Certainly, I do not grudge the mosquito curtains which are so many preventives against malaria. But what about the root cause of malaria—the breeding grounds of mosquitoes. Sir, an American lady, Mrs. MacDonald, who has identified herself with the children of the soil, went all the way to England to bring the well-known malaria and irrigation expert—Sir William Willcocks—at her own expense. He has arrived and delivered an interesting lecture at a meeting of the British Indian Association. He is confident that if the red water of the rivers combined with the white water of the rains flush the country, malaria will be an event of the past and poverty will disappear with the increase of fertility of the soil. Has the Government—after the advent of which, according to Sir William, the irrigation in Bengal has much deteriorated—provided anything for his scheme of prevention of malaria? Sir, an American lady is doing so much for us and can our Hon'ble Minister show us anything to his credit? We understand his limitations—they are certainly not limitations of head and heart. But there is a great defect in the system of administration which he does not confess in his purblind enthusiasm to support Ministry which makes him helpless. He asks us to co-operate, but how can we co-operate as he would never be of any service, in spite of genuine intention to be serviceable to the country?

Khan Bahadur Maulvi AZIZUL HAQUE: I had no intention to take part in this debate but for certain remarks made by Dr. B. C. Roy against the District Boards in Bengal. In referring to the public health work which is now going to be taken up under the auspices of the District Boards, my friend, Dr. B. C. Roy has

remarked—for reason I know not—that the District Boards in Bengal have not utilised the public health staff, and his complaint was that these public health agencies should at all be under the control of District Boards. It is very strange that he has taken up this attitude being on the Swarajist side because the District Boards are doing their level best for the good of the people of this country. If my friend will kindly look to the figures, he will find that the District Boards are now maintaining 485 dispensaries and aiding 395 dispensaries, and being connected with one of the District Boards in Bengal, I can say that the life of the executives is being made miserable day after day on account of the breaking out of epidemic diseases. My friend probably does not know that the entire work of public health is under the auspices of the District Boards except that Government only maintain a machinery of supervision and give some grants. The complaint of the District Boards against Government is on the score of finance. I believe the District Boards have been the only true representative institutions which, as I have already said, have done their level best for the good of the people of this country. The District Board is at present constituted of non-official majority. There are 10 nominated members of which 5 are officials and 5 non-officials and 20 members elected by the people. If, in spite of this, these gentlemen are not able to take part in doing public health works, woe be to the future of the country. As regards the public health scheme, my complaint is not on the score of what Dr. B. C. Roy said but on another score Government announced that the whole scheme will find maturity in 3 years at a cost of Rs. 12 lakhs, but I am sorry to find that instead of 8 lakhs at the end of the 2nd year Government have provided only 6 lakhs, and that is our complaint against Government. Again my friend Dr. B. C. Roy wants that there should be a statutory body in Calcutta which should control these institutions.

Dr. BIDHAN CHANDRA ROY: Not in Calcutta but in Bengal.

Khan Bahadur Maulvi AZIZUL HAQUE: I have no objection to the statutory body, but, speaking on behalf of the District Boards, I think, it will be of great help to these Boards if there were nobody at all and District Boards were left to themselves. I do not want any control from Government or statutory body from outside. I would certainly prefer authorised opinions from responsible persons on expert technical knowledge, but I certainly say that the life of the District Board has already been made miserable by the too many controls placed over them. My friend wants to substitute the control of Government by the control of a statutory body but I say that there should be no outside control at all. The gentlemen of the District Boards could be safely relied upon in preventing malaria, kala-azar

and in combating cholera and other epidemic disease, I think, though I am not a medical man, that much expert knowledge is not wanted for this purpose. If we have a little organising ability we shall be able to deal with all epidemic diseases. The public health staff of the District Boards have been doing their best to achieve success in this direction and, therefore, my friend's complaint that these public health agencies should not be under the control of the District Boards has taken me by surprise. On the score of Government contributions, I say again that our complaint is that we are not getting as much as is wanted. Our complaint is that Government is only spending very little. It was by mere accident when I was looking at those figures yesterday night that I find that the total income of all the District Boards in Bengal is Rs. 94,92,800, excluding Government contributions and Government comes in with a contribution of only 30 lakhs for civil works, medical help and miscellaneous. The complaint of the District Boards is that their resources are limited due to the statutory enactments promulgated in 1884 when the needs and requirements of society were more simple and public organisations were not so complex as they are now. The complaint of the District Boards is that their freedom is very much restricted by this Act of 1884 and I would very much welcome the idea of that Statutory Act being repealed by some other enactment which will give a little more freedom to the local self-governing institutions and no control of statutory body or any body else.

The real demand we feel is that sometimes Government in issuing resolutions and orders make the District administration too complex and in a manner which is difficult for us to follow. Take for instance the District of Nadia with which I am connected. We have 9 municipalities and one district board in the district, and we have one Health Officer in the District Board and 6 or 7 Health officers for the municipalities. It is very much essential that there should be one Health Officer for public health work for the district as a whole. I think the very word "public health" shows that it concerns the district as a whole, and there is not much difference between municipalities and District Boards so far as the health officers and sanitary inspectors are concerned.

I would also like to draw the attention of the Hon'ble Minister in this connection to another complaint of the District Boards, and, that is, that they do not get any real help from the Publicity Department owing to inadequacy of its staff. The Publicity Branch of the Public Health Department is hampered for want of staff. The present publicity staff is so undermanned that last year when we attempted to organise a touring expedition, we could not get hold of the staff of the Public Health Department for about a year. I have no complaint against the publicity staff itself. Its officers are very hard worked but

what I want to suggest is whether it is not possible to add to the publicity staff. In this connection I want to draw the attention of the Hon'ble Minister to the fact that though the publicity staff of the Public Health Department has not been increased in strength, the Calcutta School of Tropical Medicine has somehow got the strength of their staff increased for publicity work. If the public health work is to be done, it has to be done by one institution—not once by the Public Health Department and another time by the Calcutta School of Tropical Medicine.

As Mr. Travers has said in connection with the question of water-supply, I would ask the Hon'ble Minister whether it would not be possible for us to do something to alleviate the great water scarcity which is bound to come this year. On account of the failure of rains last year the life of the people in the mufassal has been made miserable and too many petitions and complaints are coming to us for supplying water to the rural areas. I quite realise that the cost will be enormous but temporary alleviation by supplying water through the District Boards will be a matter which will mean a good deal at least this year towards removing the water scarcity in Bengal. It was only this morning that a number of villagers came to me and said that their women folk had got to draw water from a distance of about 3 miles, and if we can do something by retrenching under other heads in the matter of the supply of drinking water it will mean a good deal towards alleviating the distress that now prevails.

Dr. BIDHAN CHANDRA ROY: (On a point of personal explanation, Sir. The Khan Bahadur has entirely misunderstood my position. I never said that the District Boards which now have to perform different functions should be divested of their control over the public health staff. I simply said that at the present moment, for the purpose of laying down a policy, *e.g.*, to obtain statistics regarding incidence of diseases and to find out the best method of combating malaria—a particular statutory body should be created to lay down certain fundamental rules for the District Boards to follow. My friend has said that expert knowledge is not necessary for the prevention of malaria. By saying this he has demonstrated to the hilt, the correctness of my arguments that District Boards as at present constituted, should not be left to deal with public health work. At present, we know little about malaria, from the public health point of view. We know nothing of its incidence nothing about the mode of spread of such and so we do not know how to succesfully combat the disease either here or elsewhere. Therefore, at the present moment our policy is merely a tentative policy. My point was that a statutory body should be created to find out what the policy of the Public Health Department should be and to lay down certain fundamental rules for the guidance of the District Boards.)

(At 6-15 P.M. the Council was adjourned and it re-assembled at 6-30 P.M.)

The Hon'ble Sir PROVASH CHUNDER MITTER: Mr. Travers has raised the important question of rural water-supply and he has asked for information about my scheme for rural water-supply. I may tell the House shortly the broad outlines of the scheme. The broad outlines of the scheme are these: At the present moment the District Boards of Bengal spend about Rs. 10 lakhs—I am not speaking from memory as I had no notice of this question—annually on rural water-supply. Government have been spending Rs. 2½ lakhs annually on rural water-supply, but the Government grant of Rs. 2½ lakhs is limited to five years and out of those five years three years have expired. Now, according to the scheme Government have agreed to give a permanent grant of Rs. 2½ lakhs. If the District Boards spending about Rs. 10 lakhs on rural water-supply, set apart, roughly speaking, about Rs. 5 lakhs—half of what they actually spend, these Rs. 5 lakhs together with Rs. 2½ lakhs will bring in Rs. 7½ lakhs and with that I am advised a loan of one crore of rupees can be comfortably raised, but it will be necessary to make some provision for repair and maintenance of the sources of supply, and if that costs, say, about Rs. 2½ lakhs, the total cost to the District Boards will come up to Rs. 7½ lakhs, while they spend Rs. 10 lakhs at the present moment. So that on the scheme which has been accepted by Government and which has also been accepted by the representatives of District Boards at the District Boards Conference, we may at once place at the disposal of the various District Boards a sum of rupees one crore. The actual amount will be spent on applications that come from different District Boards and I hope that before the next budget is presented, this scheme will be completed and the money found there for it.

Having finished this point I shall now take up another important point—but I am sorry to find that Dr. Bidhan Chandra Roy and others on my right have left. Dr. Bidhan Chandra Roy has drawn the attention of the House pointedly to the necessity of a Board of Trustees for Public Health; he has also drawn attention to the Public Health Act of England of 1875, but if he were here, I would have liked to remind him of the history of the public health movement in England. It is well known that in England before 1871, the state of public health was (I am glad to find that Dr. Roy has since come in) deplorable. Public Health was entrusted to local bodies and various *ad hoc* organisations. They lacked before 1871 that noble emotional sentiment which swept from one end of England to the other, and which made Englishmen realise—as they had never realised before—that the saving of human lives is a noble mission for those who work for the public good. It was this noble

emotional sentiment which was the foundation of the success of the Public Health Act of 1875 and which was preceded by the Local Government Act of 1871, and from 1871-75 there followed a new era in England. What is wanted in Bengal to-day is not so much a statutory provision; after all a statutory provision will remain a dead letter without a noble emotional sentiment. I see all round me an awakening of a new life. Is it too much to expect, Sir, that all parties should sink their differences and emulate that noble emotional sentiment of England? We, Bengalees, are no doubt sentimental; can we not have this sentiment, this very noble sentiment, which will teach the public workers of Bengal that by working for the common good of our country we can solve the public health problem? Sir, the solution of the public health problem is not a question of grants; the solution of the public health problem is not a question of Acts and Statutes; the public health problem can only be solved by self-help—that noble stimulus which teaches us that to save human life and imporve health is worthy of the best human effort. I am glad to be assured by my friends on the right that they will co-operate on that basis. I for one realise that without the help of the public the public health question can never be solved. But what the nature of the Act should be is quite a different matter, and as to that we must all remember the protest made by Khan Bahadur Maulvi Azizul Haque, but we are glad to find that Dr. Bidhan Chandra Roy never intended that the District Boards should not occupy their proper places, but that some Public Health Act was necessary. Ministers may come and go; individuals may come and go, but the great need for a suitable Public Health Act is to ensure a continuity of policy. It is by that policy of continuity and by that alone that we can solve the Public Health question of Bengal, and so far as that policy is concerned, I may assure my friends on the right and my friends on the left that I shall not be lacking in any endeavour to place the problem of public health above that of party and to see that the public health problem is solved by a proper Act—I do not want a paper Act but I want the human element behind that Act.

Certain other questions have been raised by some of my friends. Dr. Kumud Sankar Ray has referred to the question of overlapping of work in the Public Health Department and the School of Tropical Medicine. He has referred particularly to the public health research institutes at Krishnagar and Sonarpur; I am afraid Dr. Ray is misinformed on this point The research institutes at Krishnagar and Sonarpur are still there; they have not been abolished, and their work has not been entrusted to the Tropical School. May I point out to Dr. Ray that if his arguments are correct, it will not be a question of overlapping. It is a question of one body, namely, the Tropical School doing the work which the Public Health Department did in the past; that is not over-lapping. I want to enter into another point;

viz., that investigation work has been taken away from the Public Health Department; it again is no question of overlapping, and there is no question of taking away the work of investigating standards of edible oils.

The Tropical School of Medicine is endowed and so long as it acts within its endowment it will not be right on the part of Government to interfere with its activities, but so far as I am aware—speaking from very short experience—I do not think the Tropical School is anxious to do things which can well be left to the Public Health Department. But if any case arises I shall certainly look into the matter and try to adjust the activities of the departments.

About the question of the training of sanitary officers I promised to look into the matter and I am told by some of my advisers that perhaps the training may be most suitably imparted at the Tropical School but I do not want to commit myself definitely to-day beyond saying that I shall take advice on this point and shall be guided by the advice of my advisers but I should like to state in this connection that the question of the training of sanitary officers had to be taken up very hurriedly and the only organisation which Government found before my time was the organisation of the Public Health Department. But this question also will receive my very careful consideration as to whether in future the training of these officers should be in the Tropical School or the Public Health Department.

I believe Dr. Ray was not quite accurate in referring to Rs. 100 as the pay of sanitary officers. The position is this: a grant of Rs. 2,000 a year is made to District Boards. Perhaps some calculations——

Dr. BIDHAN CHANDRA ROY: May I point out to the Hon'ble Minister that Dr. Kumud Sankar Ray may have referred to that and not I.

The Hon'ble Sir PROVASH CHUNDER MITTER: I did not mean Dr. Bidhan Chandra Roy; but Dr. Kumud Sankar Ray, who was not quite accurate in referring to Rs. 100 as the pay of these sanitary officers. But perhaps there is some justification for his confusion because the basis of the calculations on which the grant of Rs. 2,000 a year was made includes Rs. 100, but the District Boards are quite within their rights in re-adjusting salaries in any way they like, within certain limits.

As regards the suggestion of subsidizing medical men and allowing them private practice, that is a matter in which I have received different advice, but I shall certainly take into consideration the advice of the non-official members of this Council like Dr. Bidhan Chandra Roy and Dr. Kumud Sankar Ray, as also the advice of my official advisers.

6-45 P.M.

It has been represented to me that if we offer the attraction of private practice to these Healh Officers, they will devote most of their time to that purpose and to that extent the work of the department will suffer. However, opinion is divided on this point and I am told by Khan Bahadur Azizul Haque that in some cases this practice is followed.

As regards the request for an increase of the publicity staff, I can inform my friend, the Khan Bahadur, that it has already received the administrative approval of Government. So, I have no other alternative than to ask him to wait for the next budget. Whether I shall be successful in getting money or not, I can assure him that no efforts will be wanting on my part, because I feel that this is a very important activity of the Public Health Department. That is all that I have to say.

The following motion was then put and lost:—

"That the demand of Rs. 7,82,000 under the head '33A.—Public Health Establishment' be reduced by Re. 1."

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, I beg to move that the demand of Rs. 5,88,000 under the head "33B.—Expenses in connection with epidemic diseases" be reduced by Re. 1. In moving a token cut of Re. 1 by way of remonstrance I desire to bring forward the very real grievances of the people, showing how improvements that have up to this time been neglected can be effected. Sir, it is a well-known fact which no one can deny that of all the nation-building departments the Public Health Department affects the general prosperity of the public. The department can do good deal of work in regard to the health of the people, although limited in resources and within a short period. Sir, from the administration report of the department for the year 1926, we find that the average birth-rate in rural areas during the year 1926 has decreased by 7·3 per cent. Not only this, if we compare the statistics of other provinces with that of Bengal we find that the birth-rate of Bengal per *mille* is 27·4; in the Central Provinces it is 46·0, Punjab 41·6 and Bihar and Orissa 37·3. Whereas the death-rate of Bengal is 24·7, in the Central Provinces it is 34·3, while in the Punjab it is 36·5 leaving the margins of 2·7, 11·7 and 5·1 for Bengal, the Central Provinces and the Punjab, respectively. But Bengal shows such a low rate when as held up in comparison.

This is a real danger and I would request the Hon'ble Minister to pay more attention to the health of the province. In this House, a few years ago, the late Mr. C. R. Das made a historic speech to rejuvinate Bengal. Last year Sir James Donald in his budget speech stated that in order to complete the work outlined in this scheme it would

take 3 years. Now, however, the Hon'ble Minister informs the House that Rs. 6 lakhs will be spent for the purpose of the scheme. May I know, Sir, if that will be sufficient for the completion of the scheme in the course of 3 years? I am glad to find that for anti-cholera injection Rs. 1,36,000 has been provided in the budget. But there are other epidemic diseases in the province such as dropsy and other scourges, but nothing is being done to combat them. As the use of disinfectants is regarded as one of the best preventive measures, I request the Hon'ble Minister to provide a certain sum for this purpose. I am sorry no one has drawn the attention of the Hon'ble Minister to the subject of *dai* training. Year after year I have pleaded for more funds and facilities for the training of *dais*, but my cry has been like a cry in the wilderness. Death from maternal causes during the year 1926 was 3,228 and infant mortality showed an increase of 8·6 per cent. In spite of these figures, however, the amount provided in the budget shows a decrease from Rs. 35,500 to Rs. 32,200.

Then comes the publicity and educational work of the Department. A scheme has been drawn up and approved by Government for increasing the publication of useful literature. It is admitted by all that publicity work has done great deal of good to the people. Demonstrations, lectures and magic lantern shows have done much to impress the people. I would request the Hon'ble Minister to give more impetus to publicity work by printing more literature on the subject of public health.

I do not find that any sum has been provided for Dr. Muir's leprosy survey work, and no money has been set apart for respiratory diseases. If you look into the administration report you will find that these diseases have increased by 11·9 per cent. Let me read out the passage from Dr. Bentley's report: "The death-rate from respiratory diseases in 1920 showed an excess of 11·9 and 34·7 per cent., respectively, over that of the previous year and the decennial mean; 160 males died to every 10 females." This shows that respiratory diseases are rapidly increasing, and active preventive measures or remedial schemes should be inaugurated.

With regard to kala-azar, it is a matter of regret that the amount has been decreased from Rs. 2 lakhs to Rs. 1,50,000, although kala-azar is still a prevalent scourge.

Sir, I do not desire to prolong this harrowing tale of woeful neglect. I trust that this cut will serve to bring the authorities concerned to a right way of thinking and of providing an adequate sum to relieve the distress caused by disease and epidemic in the province.

Babu AMARENDRA NATH GHOSE spoke in Bengali in support of the motion.

The motion of Raja Bhupendra Narayan Sinha Bahadur, of Nashipur was then put and lost.

The time-limit under the head "33.—Public Health" having reached the following motions were not put:—

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 37,14,000 under the head '33.—Public Health' be reduced by Rs. 1,000."

Babu AMARENDRA NATH GHOSE: "That the demand of Rs. 37,14,000 under the head '33.—Public Health' be reduced by Rs. 5."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 37,14,000 under the head '33.—Public Health' be reduced by Re. 1."

Dr. KUMUD SANKAR RAY: "That the demand of Rs. 37,14,000 under the head '33.—Public Health' be reduced by Re. 1."

Babu AKHIL CHANDRA DATTA: "That the demand of Rs. 37,14,000 under the head '33.—Public Health' be reduced by Re. 1."

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 37,14,000 under the head '33.—Public Health' be reduced by Re 1."

The following motion was then put and agreed to:—

"That a sum of Rs. 37,14,000 be granted for expenditure under the head "33.—Public Health."

7 P.M.

34.—Agriculture.

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Sir Provash Chunder Mitter): Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 23,31,000 be granted for expenditure under the head "34.—Agriculture." Sir, there are two notable features to which I should like to draw the attention of the House. One is the scheme for the purchase of Sindhi cows and Murrah buffaloes for the Dacca Firm for the improvement of cattle in Bengal. Under the present scheme a number of co-operative societies and others will be supplied with better bulls. From our past experience we may hope it will lead to the improvement of cattle in the immediate neighbourhood. That is bulls will be supplied

and can be kept under proper supervision. Then there is a small item of great importance, *viz.*, a provision of Rs. 3,720 for the purchase of magic lanterns for propaganda work. This will enable the department to bring home to the raiyats some of the work done by the department. Then there is a provision for seed store to the extent of Rs. 20,000 and the provision for the development of agricultural education.

Turning to the co-operative budget the hon'ble members will notice that there is a provision for 12 additional auditors and 4 additional inspectors. We have heard a good deal of criticisms in this House about the paucity of auditors and inspectors and this grant will meet those criticisms. Sir, there is an important grant of Rs. 15,000 for the Bengal Co-operative Organization Society for the establishment of Central Co-operative Sale Depôt for promoting cottage industries co-operatively organised as also industries not co-operatively organised. This is a great thing. If we can provide for the sale of cottage industries we help those cottage industries and according to this scheme we are going to provide for the sale and marketing of products of cottage industries whether co-operatively organised or not. I hope, Sir, before next year it will be possible for me to advance the cause of these industries.

[At this stage the Hon'ble the President left the Chamber and Mr. W. L. Travers took the Chair.]

Sir, I notice with pleasure that most of the motions for reduction of these grants are token cuts; evidently the object is to draw attention to matters on which I expected to meet with criticism. I may promise in advance that I shall listen to the remarks of the movers of these token cuts with great attention and I frankly say I shall profit by it. I conclude by saying that if the financial position improves, which I trust it will, and if I have the privilege of presenting the budget next year I shall be able to present a budget which will help to improve agriculture to a considerable extent.

Khan Bahadur Maulvi AZIZUL HAQUE: I move that the demand of Rs. 5,50,000 under the head "34.—Veterinary charges" be reduced by Rs. 100.

I am afraid the Minister has already given the reply of what I was going to say. So instead of going into the whole question I will draw the attention of the House only to two points. The first is about the supply of serum by the local self-governing bodies. We had been given hopes that serums will henceforth be distributed by local bodies, but I do not find any provision in the budget for that. I do not know how Government can go back on its pledges. My second point relates to the question of the revision of pay of veterinary assistant surgeons in Bengal. I find that in the year 1917 the question of increase of pay of these officers was first taken up and in 1917-18 the present standard was

introduced. Since then, inspite of the fact that there has been a revision of pay in almost all other services in Bengal this service has been entirely forgotten. Meantime, however, the pay of other officers of the Veterinary Department has been increased. Some officers who were formerly in receipt of a lower scale of pay have been graded in Rs. 250 to Rs. 750 scale. I know there are one or two difficulties in the way. Government have to satisfy itself as to their exact position in relation to District Boards but to refuse an increase even on that score is not fair. Up till now the Government have not done anything so far as the pay of these poor officers are concerned. I think the hon'ble members will admit that this delay in increasing their pay affects the morale of the service, specially when their pay is so small. Their present pay practically throws them on the patronage of others I believe the District Boards are also trying their best in the matter but in view of their financial position they cannot do much. I hope that this matter will be taken up soon. It is simply scandalous that when every body in all services has got an increased pay there should not be any endeavour to increase the pay of these officers upon whom depend the maintenance of cattle population of Bengal, specially at a time when the question of the preservation of cattle is so much in the forefront and Government itself has appointed a cattle expert at a very high cost.

Srijut NAGENDRA NATH SEN: I want to draw the attention of this House to the policy of Government with regard to this matter. It appears that Government seem to be of opinion that these matters relating to veterinary charges are matters of local concern and the Government's responsibility, so far as this matter is concerned, is of minor consideration. In this connection I should like to quote a letter from Mr. Reid to the Veterinary Officer of the Government of Bengal to illustrate that point. This letter is dated the 29th June, 1927, and it lays down the proposal of leaving the work of inoculating cattle to the local bodies concerned.

Sir, may I submit that this is a very dangerous policy? In an agricultural country like Bengal, cattle is the most important thing for agriculture. And if Government seem to be of opinion that the preservation of cattle is a matter of local concern and legitimate charge on the revenues of local bodies, I wonder where matter stand. Sir, everybody in this House is perfectly well aware that the resources of the local self-governing bodies, *viz.*, municipalities and District Boards, are composed of road cess revenue from grants by local Government for medical relief, for veterinary charges, for education and for purposes of repairing certain roads. But these contributions are very small in comparison with the demands with which these public bodies are called upon to discharge. Take, for instance, the question of the supply of serum for vaccination purposes in the case of diseases amongst cattle.

How can it be said that it is the legitimate business of District Boards to take up this matter. Government pays annualy a small sum of money to District Boards for combating this evil. And after paying annually a small amount, is it fair on the part of Government to say that the entire charges should be made by District Boards. I appeal to our popular Minister to say whether he endorses this policy of Government which, I respectfully submit, is so flagrant in its nakedness that one should be ashamed of. The Hon'ble Minister said just before that there should be some continuity in the policy of Government, and it would be an evil day for people of this country if the Hon'ble Minister would continue in this policy of disowning every sort of responsibility of those matters which are described as matters of local concern.

Adjournment.

The Council was then adjourned till 3 P.M. on Tuesday, the 27th March 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 27th March, 1928, at 3 P.M.

Present:

The Hon'ble the President (RAJA MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers and 92 nominated and elected members.

Unstarred Question

(answer to which was laid on the table).

Moslem and non-Moslem ministerial officers of Bengal.

85. Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member in charge of the Appointment Department be pleased to lay on the table a statement showing, district by district, the number at present existing of Moslem and non-Moslem ministerial officers separately in this province in the--

(*i*) Collectorate and Magistracy;

(*ii*) Khas Mahal Department;

(*iii*) Registration Department; and

(*iv*) Civil Courts?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. A. N. Moberly): Statement laid on the table.

Statement referred to in the reply to unstarred question No. 85, showing the number of permanent and temporary Moslem or non-Moslem ministerial officers who were employed in Bengal on the 1st February, 1928.

Divisions and Districts.	Magistracies and Collectorates.		Civil Courts.		Khasmahal.		Registration.	
	Moslem.	Non-Moslem.	Moslem.	Non-Moslem.	Moslem.	Non-Moslem.	Moslem.	Non-Moslem.
Burdwan Division—								
Burdwan	24	95	28	78	..	..	8	31
Birbhum	18	37	17	56	..	..	5	15
Bankura . ..	5	52	6	67	..	..	6	23
Midnapore .	18	187	25	151	5	27	12	64
Hooghly ..	24	92	12	141	..	..	7	20
Howrah .. .	16	59			..	..	3	22
Presidency Division—								
24-Parganas . ..	59	169	39	201	4	9	23	63
Nadia .. .	33	83	25	87	.	.	8	13
Murshidabad .	30	65	23	64	1	..	7	16
Jessore	32	64	32	91		..	26	37
Khulna ..	38	93	13	103		.	12	27
Dacca Division—								
Dacca . .	71	130	61	130	..	..	43	31
Mymensingh .	74	139	78	172	..	..	58	62
Faridpur	49	98	41	120	..	2	22	34
Bakarganj . .	63	127	33	140	12	25	25	53
Rajshahi Division—								
Rajshahi .	25	53	29	59	1	..	10	10
Malda .	23	21			1	1	9	11
Dinajpur .. .	18	48	28	67	.	.	16	17
Jalpaiguri . ..	23	68			8	25	5	8
Darjeeling .	7	62			1	13	1	6
Rangpur ..	25	62	28	93	..	..	35	17
Bogra . ..	22	36	39	60	..	2	18	15
Pabna . ..	31	53			3	4	12	16
Chittagong Division—								
Chittagong . ..	66	91	46	84	28	50	49	33
Tippera	42	81	58	118	1	6	50	23
Noakhali	43	64	42	78	4	6	33	31
Chittagong Hill Tracts ..	4	21	..		..	..	..	..
Calcutta ..	..	..	19(a)	61(a)	..	..	6(b)	17(b)

(a) Figures for Small Cause Court, Calcutta.
(b) Figures for Registration Office, Calcutta.

Maulvi ABDUL KARIM: Does the Hon'ble Member propose to take any action to remove the disparity existing between the ministerial officers of the two communities, particularly in the districts in which the Moslem population preponderates?

The Hon'ble Mr. A. N. MOBERLY: The policy of Government was stated in a communique issued in the year 1925.

Mr. PRESIDENT (the Hon'ble Raja Manmatha Nath Ray Chaudhuri, of Santosh): I may tell members that the demands for grants and amendments relating to them will be discussed up till 5 o'clock this afternoon. Immediately after 5 P.M. I shall put the amendments that we may be discussing at the time, and then all the outstanding demands. After that, I propose to take up the Government Bill and adjourn the Council after we have done with it. I shall take up the resolution on the Simon Commission to-morrow.

Demands for grants.

34.—Agriculture.

MINISTER in charge of DEPARTMENT of AGRICULTURE AND INDUSTRIES (the Hon'ble Sir Provash Chunder Mitter): In moving his motion yesterday Khan Bahadur Azizul Haque pointed out to the House the inadequacy of the pay of the Veterinary Assistant Surgeons. I may tell him that since I have accepted office I have been going carefully into this question but there are, however, certain difficulties. The pay of the Veterinary Assistant Surgeons is shared between the local bodies and the Government, and we had, I believe, some correspondence with the local bodies. The House is aware that neither the District Board nor the Government of Bengal are very flush of money; therefore there is also the financial difficulty, but I shall try my best to remedy the hard lot of the Veterinary Assistant Surgeons subject to the improvement of the financial conditions of the District Board and the Government.

Khan Bahadur Azizul Haque has also referred to the inability of the department to give relief to the local bodies in the supply of serum. This matter is receiving the sympathetic consideration of Government.

Babu Nagendra Nath Sen waxed eloquent while stating that the ordinary care of cattle is not a local concern. Perhaps he has misunderstood the position. The question is a concern for all citizens, it is the concern of all local bodies, and it is a matter in which Government can be expected to render assistance but it is quite clear that Government sitting at headquarters even if it were to spend more cannot look after

millions of cattle all over the province; therefore, if cattle is to be improved, the local people and local bodies, like the Village Union Boards, are best fitted to look after them. It is therefore a concern of local people and of local bodies. It is a vital problem and it will not be overlooked by us. We are quite willing to co-operate with the local bodies, and I am sure the local bodies will co-operate with us. In spite of the speech of my friend, Babu Nagendra Nath Sen, the local bodies did come forward in the past, and I trust they will come forward in the future.

These are the points mentioned. Before I conclude I may say that I will take into my careful consideration all that has been said by the members when preparing the budget next year.

The motion that the demand of Rs. 5,50,000 under the head "34A.—Veterinary charges" be reduced by Rs. 100 was then put and lost.

The following motion was called but not moved:—

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 21,000 under the head '34C.—Co-operative Credit—Pay of Registrar' be reduced by Rs. 3,000."

Mr. PRESIDENT: I propose to take next three motions together, and to have one discussion on them.

The following motion was called but not moved:—

Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 6,21,000 under the head '34C.—Co-operative Credit' be reduced by Rs. 200."

Maulvi SHAMSUR-RAHMAN: I beg to move that the demand of Rs. 6,21,000 under the head "34 C.—Co-operative Credit" be reduced by Rs. 100.

In moving this amendment my intention is to bring to the notice of this House the way by which the Government are working out this department. Co-operative works have been prisnarily taken up by honorary workers. But as they have to deal largely with other peoples' money and as it is very difficult to find whole-time honorary workers the Government have undertaken to do the audit work of the societies on a system of contract, the societies paying for the labour. This system of audit by departmental officers might have rendered inestimable services to the people in finding out the defects of the societies who deal with poor people's money. Societies are mostly financed by Central Banks who keep supervisors to look into the efficient working of the affiliated societies. The audit reports serve as a guide to the Central Banks to watch into the working of the societies as well as of their supervisors. As

such both the societies as well as the Central Banks ungrudgingly agreed to the levy of an audit fess. So much so that a sum of over Rs. 1,80,000 is collected year to year. But you will be surprised to learn that Government are misappropriating over Rs. 40,000 out of it. Audit works in the districts are entrusted to an Inspector under whom auditors are placed to carry on the audit but their numbers are so insufficient that even half the societies cannot be audited by them in course of the year. As such these Inspectors to save their own skin have to request the Central Bank authorities to lend their supervisors to complete the audit. In order to oblige the Inspectors who sometimes render valuable services to the Central Bank they cannot but accede to the request but the result is disastrous. These supervisors can seldom be expected to find fault with their own work, so the audit reports are absolutely unreliable and have to be treated as mere waste papers. The supervisors even when they are engaged in audit works are paid by the Central Banks but the audits fees are all the same realised from even those societies that are audited by supervisors of the Central Banks. As Secretary of the Khulna Co-operative Bank Limited, I refused to pay the audit fee of those of my societies that have been audited by my supervisors. But having had some discussion over the matter with the Registrar, who is rendering very valuable services to the people, and also finding that some additional hands have been provided for in the present budget, I had to give way. I understand that the pay of only 12 more auditors have been budgeted for. May I ask the Hon'ble Minister whether he cared to read the Annual Report on the working of the Department? Did he see that the Registrar has been demanding persistently since 1923-24 more than double the number of extra hands? I for myself cannot understand the beauty of providing for a lesser number than that demanded by the departmental head when money is not wanting. It may not be out of place to record a note of warning on behalf of the Central Banks of the province that they are not going to submit any further to the system of payment without recompense. They consider the realisation of audit fees without adequate provision for men to carry on efficient audit work to be an act of bad faith in which they are willing abettors. The Government stand charged of criminal misappropriation of poor people's money and breach of contract.

The Hon'ble Sir PROVASH CHUNDER MITTER: I admit that this complaint is legitimate, and soon after I took charge of my office, my attention was drawn to this complaint, and as the Maulvi Sahib himself has admitted, I have succeeded in making some provision. I admit that the provision ought to be more adequate than I have been able to provide. I hope that we shall be able to provide more money in the near future. I do not want to go into the controversial question as to whether Rs. 40,000 is the amount which Government ought to pay; I do not admit its correctness. There is some provision in the

present budget, and I hope to provide for more later. I am quite alive to the necessity of good audit. Unfortunately in the past the attention of Government Members was not drawn to this. After the assurance that I have given, I hope the Maulvi Sahib will not press his motion.

Maulvi SHAMSUR-RAHMAN: After the statement made by the Hon'ble Minister, I beg to withdraw my motion.

The motion was then, by leave of the Council, withdrawn.

3-15 P.M.

The following motions were called but not moved:—

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 6,21,000 under the head '34C.—Co-operative Credit' be reduced by Re. 1."

Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 5,107 under the head '34D.—Stores purchased in England by the High Commissioner' be refused."

Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 23,31,000 under the major head '34.—Agriculture' be reduced by Rs. 1,000."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 23,31,000 under the head '34.—Agriculture' be reduced by Rs. 100."

Babu RADHA GOBINDA RAY: In the absence of Babu Amarendra Nath Ghose, may I have your permission to move his motion.

Mr. PRESIDENT: Yes, you may.

Babu RADHA GOBINDA RAY: I beg to move that the demand of Rs. 23,31,000 under the head "34.—Agriculture" be reduced by Rs. 100.

In moving this motion I beg to state that the officers of the Agriculture Department have done absolutely nothing to improve the agricultural condition of the province. So far as I have been able to ascertain and to judge, they have done practically nothing to improve the agricultural condition of the rural area. These officers having some theoretical knowledge, and without any practical knowledge of the conditions of the agriculturists in India, particularly Bengal, do go sometimes to villages, pass their time in bungalows and return without

doing anything practical to improve the conditions of the poor agriculturists. This department is maintained by Government simply to show the people or rather to hoodwink the people that the Government is really doing something to improve their condition. The bulk of the population in Bengal are agriculturists, and I would ask the Hon'ble Minister in charge whether he can convince the members of this Council that the Department of Agriculture has really done anything practical to improve the condition of the poor agriculturists. This is why I oppose this demand, and think that the money should be reduced.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, the mover of this motion has adduced some general charges. While I admit that there is a lot more to be done in regard to agriculture, but considering the small sum at the disposal of the Agriculture Department, I submit they are doing well. About paddy, fruit and cattle—to take only some of the activities of the department— the reports issued year after year by the Agriculture Department will show that the production has increased very largely. Those with a practical knowledge of agriculture will testify what the Agriculture Department is doing. These are general charges, but if definite charges had been made, it would have been easier for me to meet them. The class of paddy that the raiyats grow has been improved; jute seeds have been improved and cattle also has been improved. By the Co-operative Societies which we have near and about Calcutta, the conditions of the middle class have been greatly improved. But even if my friend be right, can any good purpose be served by reducing the grant? I am always ready to receive constructive definite suggestions for the improvement of the department, and I can assure my friend that the officers of the department will certainly meet him with open arms if he can put forward any practical definite suggestions.

The following motion was then put and lost:—

"That the demand of Rs. 23,31,000 under the head '34.—Agriculture' be reduced by Rs. 100."

The following motions were not put as they were covered by the foregoing decision of the Council:—

Babu MANMATHA NATH ROY: "That the demand of Rs. 23,31,000 under the head '34.—Agriculture' be reduced by Re. 1."

Babu AKHIL CHANDRA DATTA: "That the demand of Rs. 23,31,000 under the head '34.—Agriculture' be reduced by Re. 1."

The motion that a sum of Rs. 23,31,000 be granted for expenditure under the head "34.—Agriculture" was then put and agreed to.

35.—Industries.

The Hon'ble Sir PROVASH CHUNDER MITTER: On the recommendation of His Excellency the Governor I move that a sum of Rs. 12,36,000 be granted for expenditure under the head "35.—Industries." As I have already explained according to convention I had to adopt this budget and have to present it before the members of this House for approval. The Bengal financial statement for 1928-29 has explained to you the nature of the demand. It is therefore not necessary for me to address you at any length.

Members of this House will notice that the estimate for the next year is higher by over a lakh of rupees than the revised estimate of this year. The following are some of the noticeable features of the budget:—

(1) Additional grants-in-aid to technical and industrial schools—Rs. 30,000.

(2) Provision for establishment for weaving demonstrations—Rs. 5,000.

I notice with pleasure that most of the motions for reduction of these grants are token cuts, evidently the object being to draw the attention of Government to matters which, I except, the movers will explain. I may promise in advance that I shall listen to the remarks of the movers of these token cuts with great attention and shall try to profit by them in framing the next year's budget.

I would conclude by saying that there are certain important schemes relating to this department under the consideration of the Government, as a whole, and if they are approved by the Government as I hope they will be, and if I have the privilege of presenting the budget next year I shall be able to present a budget which will help in advancing the industrial development of the province and it will also help in opening out avenues of employment to some of the poorer middle class men.

Babu JATINDRA NATH CHAKRABURTTY: In the absence of Babu Naliniranjan Sarker may I have your permission to move his motion?

Mr. PRESIDENT: Yes, you may.

Babu JATINDRA NATH CHAKRABURTTY: I beg to move that the demand of Rs. 7,98,000 under the head "35A.—Industries" be reduced by Rs. 100.

We are paying more attention to literary education of our boys. But literary education though good in itself has failed to solve the

bread problem of the day. We are faced with acute poverty among middle class people who are enamoured of literary education. My colleague, Mr. K. C. Ray Chaudhuri, who takes interest in unemployment question of young men, has ascertained that there are more than 5,000 graduates sitting idle in Calcutta. So what will be the number of unemployed graduates in the whole of Bengal can be better imagined than described.

This unemployment question is a menace to the whole country. You can imagine the feeling of these young men who after completing their education in the universities among whom you will find many of the finest intellects, full of high hopes and sunny aspirations, going from door to door with applications in their hands simply to meet with rebuffs and disappointments.

This is not an ideal state of things in this country—it is not creditable to the Government who is entirely responsible for this unemployment question among the *bhadralok*, because it has not paid proper attention to solve their bread problem. The education so long imparted has made up a nation of clerks and lawyers. No attempt has been made by the Government to make industrial expert of one young man. There is no lack of enthusiasm and intelligence in them. If properly trained in industries they will hold their own in any part of the world —but for want of proper training they are rotting in their own country on a miserable pittance as clerks and school masters. What a more deplorable picture can be drawn of our young hopefuls than this. The fault lies not only with the Government but with the European mercantile community—that has almost monopolised the trade and industries of Bengal by shutting out the children of the soil. What facilities do these merchant princes and industrial captains of big European firms give to our young men? There too our young men are treated as clerks. They are not taken in to be trained as experts—the miserable state of our young men can be greatly improved if the Government gives them adequate industrial training and the big mercantile houses utilise their knowledge in firms on an adequate remuneration. If the Government during the last 70 years had opened industrial colleges and trained industrial experts in the same number as they have turned out B. A.'s and M. A.'s the outlook of the country would have totally changed. We would have seen children of the soil conducting the big mercantile houses and turning out industrial experts instead of dwindling as clerks and briefless lawyers—but it is not yet too late to mend.

Polytechnic Institutes should be started in every district of Bengal and young men should be encouraged for taking up industrial training. Mr. Petavel of Polytechnical School should be congratulated on the scheme he sent to the Calcutta University. But it has been shelved aside. We want that every district should have a Polytechnical school

on the line suggested by Mr. Petavel. It will make every student earn something during school days and self-relying in future. Why should the Government delay in accepting the scheme? The whole country should rise to the occasion and ask the Government to honeycomb it with industrial schools. Literary education may wait but industrial cannot. The time has come when a day's delay will bring in untold suffering on our young men.

Local industry cannot grow without State help. The prosperity of Japan, America and other countries is entirely due to the industrial development of the country. It is high time that Government should allot sufficient money for this purpose. We know that it is not to the interest of Government that the local industry should develop, and the result has been that every nation is vieing with each other to have a firm foot in India in the field of industry, and the British Government has got to seriously consider as to how to oust other nations from the field. With the development of the local industry, with the help of the provincial Government the question of unemployment and proverty of the country may be solved to a great extent. We have now got to be content with merely supplying raw materials such as jute, hide, etc., to the British merchant The European business concerns are materially under the fostering care of the State, but these privileges are denied to the Indian mercantile firms. The result is that the Indian merchant cannot stand in the market in this hard competition. In the exports of the country produce the interest of the people of the country is not protected at all. No estimate is made of the requirements of the country when the raw materials are allowed to be exported in foreign countries. The result is the recurrence of dire famine year after year. The question is not at all considered from the standpoint of demand and supply. Local merchants secure orders from European shippers who have practically got a monopoly in shipping business and purchase country produce. This can be easily checked by the Government if an estimate of entire output is taken in every season in the province from different districts and spare quantity, if any, only allowed to be sold to the exporters. The Government can as well open Government stores in every district so that sufficient quantity may be reserved for the consumption of local people and the prices of the articles may not be abnormally raised on profiteering basis by unscrupulous local traders.

3-30 P.M.

Dr. PRAMATHANATH BANERJEA: In connection with this motion may I ask what steps, if any, have been taken to give effect to the recommendations of the Middle Class Unemployment Committee which reported four or five years ago?

Babu RADHA GOBINDA RAY: The charges that have been brought against the Agriculture Department can equally be urged against the Industries Department. Sir, I myself am an industrialist, having spent seven years of my life in the development of cottage industries in my subdivision. I can tell the House that the working of this department is extremely sad. My subdivision, namely, Bishnupur, is one of the prominent centres of industry in Bengal, and I happened to come across many superior officers of the Industries Department and I have invariably found that these highly paid officers really do not know anything about the cottage industries of Bengal. Their brains are full of theories which they have learnt in certain European Universities. Sir, they know only how to smoke cigarettes in European fashion. But, Sir, how do these officers prove their worth? In order to prove before their superior officers that they are really doing something, these officers generally go to villages, meet the village artisans who as a general rule dread the presence of these officers dressed in European costume because they do not feel at their ease before these Europeanised people. They think that these people have come to demand something from them, perhaps to do some injury to them and not to improve their condition. When the villagers discuss industrial theories with them they see that they have absolutely nothing in their brains. Sir, how can they improve the condition of the cottage industries of Bengal? In my subdivision there is an Industrial School. This institution is working for more than three years and up till now it has not been able to do anything worth recognition by way of improvement of the state of the industries of our district. I ask the Hon'ble Minister: Do these officers of the Industries Department really understand the people, mix with the people and understand their feeling and do anything which will really improve the cottage industries of Bengal? If they cannot do these things, their existence cannot be justified in any way. With these words I support the motion.

The Hon'ble Sir PROVASH CHUNDER MITTER: I may assure the House that I feel as much as any member of this House about the unemployment question, especially the unemployment question of the educated, half-educated middle class people. My friend there really underestimates when he says that there are only 5,000 graduates. Year after year we are turning out nearly 30,000 undergraduates in Bengal and these undergraduates by the nature of their training and by their outlook on life are not willing to go to the rural areas to earn their living. It is well known that about 94 per cent. of the population live in the rural areas and between 6 and 7 per cent. of the population live in towns. If nearly 30,000 of our educated young men with a merely literary education try to get an avocation in the restricted

urban areas, is it any wonder that there is unemployment? Is it any wonder that there is a vast void in the rural areas where they cannot only make a living but in the process of making a living they can add to the wealth of the raiyat and the cottage workers? They can be a chain in the link of better production and better marketing. Government no doubt can help but here; again, self-help of the people is the fundamental thing and even before that self-help, a change in outlook on life is very necessary. How is it that our Marwari friends not only make a living but make a very comfortable living although they are not as educated as many of our Bengali boys?

My difficulty in dealing with the remarks of the hon'ble members is that I have not heard any definite and practical suggestions barring one. That definite suggestion is the establishment of a Polytechnic. I would like, if the hon'ble members so desire, and I am quite prepared, subject to the limitations of finance, to start an experiment; but I should like the members to remember this, that an industry can never succeed unless it can stand in the world competition, and mere polytechnics, mere turning out of educated men, merely giving technical instruction to them, will not make them successful industrialists. At the present moment we have a very large number of men who have been trained abroad as mechanical engineers, electrical engineers and in other technical professions. If industrial education was really the thing which stood in our way, how is it that many of these men find it difficult to get employment? The problem lies much deeper; it is a part of the world problem and if we approach it in the spirit in which we ought to approach it we shall find that vast quantities of India's commodities are exported to foreign countries. About 77 per cent. of our exports go to non-British countries and various articles such as hide, skin, seeds, etc., are exported to places like Germany or America where they are turned out into finished commodities. It is no good crying over that unless we cannot only produce them but also stand in the world competition. I am quite prepared to discuss this with my friends on the left and on the right. If they would suggest anything practical I am quite willing to take it up.

Mr. Ray—as in his remarks on the Agriculture budget—as also in his remarks on the Industrial budget, made some general criticisms and suggestions. Here again I find it difficult to meet those charges as they are so vague and general. As it is, we have a large number of industrial schools in the province and the budget which I have just now presented shows that we have increased the grant of these industrial schools by more than Rs. 30,000. Next year this grant will be further increased by Rs. 30,000 so that some money at any rate is there, but it is not by mere technical education that we can at once, to-day and now, find a solution of an unemployment problem. Technical education no doubt is very important but the problem of

unemployment is a problem which is not so easy of solution. However, I am grateful to my friends for drawing my attention to these points.

The motion that the demand of Rs. 7,98,000 under the head "35A.—Industries" be reduced by Rs. 100 was put and lost.

The following motions were called but not moved:—

Maulvi ASIMUDDIN AHAMAD: "That the demand of Rs. 12,36,000 under the major head '35.—Industries' be reduced by Rs. 6,18,000."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 12,36.000 under the head '35.—Industries' be reduced by Rs. 100."

Babu MANMATHA NATH ROY: "That the demand of Rs. 12,36,000 under the head '35.—Industries' be reduced by Re. 1."

Mr. JOGESH CHANDRA GUPTA: I beg to move that the demand of Rs. 12,36,000 under the head "35.—Industries" be reduced by Re. 1.

In moving this motion of censure I will not take up the time of this House in ventilating the grievances which are shared by all that the Industries Department of Bengal is not doing what is expected of it in the interest of the people of Bengal. I will content myself by pointing out a few of the activities of the Industries Department. First of all I want to draw the attention of the House to the fact that last year a grant of Rs. 10,000 was provided for the Bengal Home Industries Association. The Bengal Home Industries Association is the only institution which consists of members who have associated not for making any profit but for developing the industries, mainly the cottage industries of the province by giving them advice, and by finding a market for them abroad. That association was initiated by many officials and it all along got a grant—at the beginning it was Rs. 1,500 and latterly it was Rs. 10,000.

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I am a member of that committee. I now understand that suddenly the Government of Bengal in the Industries Department has come to a decision that this sum of Rs. 10,000 must be saved and must not be paid to the Bengal Home Industries Association. That is one of the activities by which the Industries Department of the Government of Bengal has shown themselves to be very keen in developing or helping the cottage industries of Bengal. There is a long letter, but I may read out a portion from that letter which was addressed by the Secretary of the Bengal Home Industries Association to the present Director

of Industries on the 8th February, 1928. I may tell this House that through the red-tapeism of the Industries Department, this letter remains unanswered up till now. This letter says in one place: "It was, however, pointed out to you that there were various activities of this Association specially in propaganda work in introducing new lines of home industries which has been so successful of late. You assured the committee that you did not want the extinction of the Association, but that it should work in full co-operation with the co-operative societies so far as the object of the Association can be carried out. The members of the committee do not know exactly how this co-operation can be fully given effect to in the absence of a definite detailed scheme. I have no doubt you will be able to give us your advice and direction as to how best we could give effect to your desire for such mutual co-operation and suggest to us a scheme for the same. For this purpose may I take the liberty to place before you some of the recent activities of the Association." Now, in reply to that the Director of Industries has only returned the bill for the grant of Rs. 10,000 which will lapse if it is not paid within the month of March, and I may also tell this House that Mr. Ghuznavi, the Minister in charge, at the time of the last budget, assured this Association that it would get all the help it deserved and even he went to the length of appointing a committee under the presidentship of the present Minister in charge of the Industries Department to go into the matter and report how to develop this Association further. We find, however, that the development which has been decided upon, without the committee going into the whole matter, is the refusal of the grant of Rs. 10,000. This, I must say, should be regarded as a creditable performance on the part of the Industries Department! The next point I would emphasise is with regard to the retrenchment that has been effected in this department. On the recommendation of the Retrenchment Committee to curtail the expenditure of this department, the only curtailment that has been effected is to do away with the Circle Officers who were placed in charge of two or three districts to study the industrial needs of the districts and to lay them before the department; whereas for the purpose of justifying the existence of the department the Superintendent of the office, who controls only 35 clerks, has been maintained on a pay of Rs. 500 a month. In the next place, we have seen another instance of the perfunctory manner in which work is done in the Industries Department. The Industrial Engineer placed before the Tariff Board a scheme for the development of the match industry of Bengal on a small scale. But what has been the result? I will stand corrected if I am wrong when I say that the scheme is awaiting the decision of the Government and that the Government have not decided one way or the other regarding it, but we find that just after the Industrial Engineer had given his evidence before the Tariff Board the Director of Industries said to the Board

in his evidence that the Government had not accepted the scheme and that his views were similar to that of the Government. If that is so, and if the development of industries in Bengal is to depend upon the likes and dislikes of one individual, then there is hardly any hope for the people of Bengal. Then there are some other points, but I have got the direction of my chief not to prolong the discussion and I will only say that if you want to decrease the discontent of the people, do take up the work of this department seriously. It is no good saying that the Minister in charge is going to formulate some day a policy for the development of the industries of Bengal. Sir, we have waited too long and the people think that Government is not seriously doing anything towards the development of industries, that it wants to make India a perpetual ground for marketing the industries of other countries. There is a commercial museum of Japan in Calcutta which exhibits the various commodities that are produced in that country and which shows what goods are available in Calcutta. For this purpose they spend a large amount of money, whereas our Industries Department have allowed the grant of Rs. 10,000 to the to the Home Industries Association to lapse.

With these words I move the motion that stands in my name.

Rai HARENDRANATH CHAUDHURI: Sir, in connection with this motion I want to put one question to the Hon'ble Minister in charge. What about the State Aid to Industries Bill? We were assured on more than one occasion that the Bill was ready to be introduced in this Council, but how is it that the Bill has not yet been introduced?

The Hon'ble Sir PROVASH CHUNDER MITTER: I am afraid Mr. J. C. Gupta is nursing a grievance which does not exist. I will first of all deal with the question of the Home Industries Association. This Association exists for the marketing and sale of the produce of cottage industries. It was started many years ago and both Indians and Europeans subscribed a sum of money for its establishment. On the 1st of April, 1920, the capital account showed a capital of Rs. 80,754-14 and donations in six years from 1st April, 1920, to the 31st March, 1926, showed a total collection of Rs. 810, so that there was a total of Rs. 81,564-14. Grants from Government during this period amounted to a lakh of rupees, and the total including the Government grant came up to Rs. 1,81,564. The capital fund on the 31st March, 1926, was only Rs. 52,528 as against the original capital fund of Rs. 1,81,564, including the Government grant of Rs. 1 lakh, so that during these six years there was a net loss of Rs. 1,29,000. Now, let us examine some of the reasons for this loss. It appears that gentlemen who are members of the committee of this Association have so many other preoccupations that they find it difficult to attend

the meetings of the committee. I find that on the 29th July a meeting was called but failed for want of a quorum. The adjourned meeting was called for Friday, the 5th August, and its agenda indicated that it would be asked to pass the monthly accounts for June, 1927. This again failed for want of a quorum. The next notice of meeting, dated the 30th August, 1927, shows that the executive committee meeting called for Friday, the 26th August, was also adjourned for want of a quorum. The adjourned meeting was called for Friday, the 2nd September, to pass the monthly accounts for July. I have no information as to what happened in that meeting. Let me assume that there was at least a quorum on that day. Then in November a meeting was called to consider a letter from the Director of Industries and I may briefly explain the nature of the proposal contained in that letter. The nature of the proposal is this. At the present moment there is no central sale depôt in Calcutta, as they have in Bihar and Orissa, for the sale of goods co-operatively organised. A request came from the Registrar of Co-operative Societies that if we have a sale depôt in Calcutta, then cottage industries co-operatively organised can find a ready market for the sale of their goods. Government thought that the proposal was a sound one and on enquiry Government found that in Bihar it succeeded, whereas in Lucknow, where they had an institution run on lines similar to that of the Home Industries Association, was suffering from the same trouble as the Calcutta institution is suffering from, but when this question of a central sale depôt for co-operative goods came up, I took up the question of cottage industries not co-operatively organised and it was accepted that a central depôt should be established for the sale of cottage industries both co-operatively organised and not co-operatively organised.

We are quite willing to see—in fact we informed the association to this effect—that those members of the committee of the Home Industries Association who take a keen interest in it can be appointed as members of the advisory committee of the Central Sale Depot for goods not co-operatively organised. So, it is not a question of abolition, but it is a question of carrying on the activities of the Home Industries Association in another shape.

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Not only that, the authorities of the Home Industries Association repeatedly complained that they had advanced money to cottage workers for supplying goods, but they often did not get either the money or the goods. So, if the Central Sale Depot of the Co-operative Society is established, there will be somebody on the spot who would be responsible for the realisation either of the money or of the goods. Not only that, our scheme also may include a Central Godown in Calcutta where the cottage workers can send their goods. After the deposit of these goods in the godown it will be possible to advance

money on the security of these goods without the risk of any loss. No institution can prosper if the financial side of it be not properly managed. It is for that reason, Sir, that although we do not propose to continue our grant with Home Industries Association we do not want to abolish the activities for which this institution stands. We want to place these activities on a better and more business-like footing. I offer Mr. Gupta and others who are so keen about the Home Industries Association a place in a Committee of Management of this institution.

Mr. JOGESH CHANDRA GUPTA: But I may enquire why the Hon'ble Minister did allow Rs. 10,000 to lapse this year?

The Hon'ble Sir PROVASH CHUNDER MITTER: I will come to that point presently. As regards the future, I maintain the members of the House will agree with me that our proposal is a far more business-like proposal. We stand for doing the same work as they are doing. It is only a difference in name. There is another thing which I desire to point out. It appears that every rupee worth of goods that has been sold by the Home Industries Association has been sold approximately at a loss of 9 annas in the rupee. I quite realise that an association like this is not a business proposition. I am quite willing that Government should make a grant and bear a portion of the loss. But no Government which has any regard for the taxpayer's money can possibly make a grant which means a loss of 9 annas in the rupee. If on the other hand this Central Sale Depot is established, there will be no risk of this loss.

Now about the grant of Rs. 10,000. If the Government find that Committee meetings are not held—that repeatedly meetings are adjourned for want of a quorum, I ask is Government justified in paying that money. If the House will decide that even under these conditions money should be granted, I shall gladly pay the taxpayer's money for that purpose. But, so long as I do not get a mandate of the House, I, on my own responsibility, feel that I ought not to pay

Mr. JOGESH CHANDRA GUPTA: But the mandate was given last year.

The Hon'ble Sir PROVASH CHUNDER MITTER: I am afraid Mr. Gupta has forgotten that last year no such mandate was given. Last year no doubt there was a provision of Rs. 10,000 in the budget. But before that sum was paid, it was the duty of the Director, it was the duty of the Secretary, it was the duty of the Minister, to see that that sum was paid to a concern which has been doing its business on an ordinary footing.

Mr. JOGESH CHANDRA GUPTA: May I ask whether any enquiry was made in regard to this?

The Hon'ble Sir PROVASH CHUNDER MITTER: If meetings cannot be held for want of a quorum what further enquiry is necessary. We are quite willing that the goods which they have may be sold through the Central Sale Depot. And the same activities will be followed and the same members provided they are active may do the advising work in that depot. Then, wherein lies the grievance, pray tell me.

On the 13th of January last a meeting of the committee was held and that meeting was attended by the Director of Industries and I find that in that meeting the Executive Committee of the Bengal Home Industries Association was agreeable to the suggestion of amalgamation with the Co-operative Sale Depot if the aims and objects of the present association are not affected in any way by such amalgamation. It was pointed out that by the amalgamation it is still possible to market products of cottage workers who are not co-operatively organised. Now, Sir, this meeting was held as a result of a letter written by the Director of Industries on the 28th of November and in that letter it was stated *inter alia* "my principal suggestion therefore is that definite steps should be taken not to extinguish the Association as I frequently emphasised but to merge its experience and activities into a depôt organised and controlled by the Co-operative Department. I, therefore, suggest that the points of this letter be carefully considered by your Executive Committee at a meeting at which the Registrar of Co-operative Societies may be able to be present as well as myself." As a result of this letter the scheme of amalgamation was approved. Therefore, Sir, no question of enquiry comes in here. That is the position. I hope my friend, Mr. Gupta, will not allow his very natural anxiety to criticise Government to get the better of his interest for the work, namely, the organisation for the sale of products of cottage industries. That is the main point.

As regards the point about retrenchment it was long before my time and therefore I am afraid I am unable to enlighten Mr. Gupta on that point without notice. As regards his statement about the evidence of the Director of Industries and that the question of Match Industries is awaiting the decision of Government, neither I nor Mr. Reid has seen that file and so it is not awaiting the decision of Government. When it comes I shall certainly look into the matter.

With regard to Rai Harendranath Chaudhuri's question about the State Aid to Industries Bill, whatever assurances may have been given by my predecessors, I think, I have to consider notice of a Bill which has been sent by Mr. Naliniranjan Sarker and as a notice of that Bill has been received, we are examining both the Bills and I trust Mr. Sarker will not deny that he and the officers of the department have repeatedly discussed the provisions of his Bill. But the reason

of the delay is the anxiety on the part of Government to meet the non-official Bill so far as it can be met.

Rai HARENDRANATH CHAUDHURI: Do we then understand that Government will support the non-official Bill and not put forward an official Bill?

The Hon'ble Sir PROVASH CHUNDER MITTER: I thought I had made the position quite clear and I will try to make it clearer. There was a State Aid to Industries Bill drafted by the Government. It was ripe for introduction. That was before my time; and in the meantime Mr. Sarker's Bill came in and at the present moment Government is examining his Bill in order to find how far Government can adopt it or whether we can adopt it wholly or in part. Sir, that is a matter on which no decision has been arrived at as yet.

The motion of Mr. Jogesh Chandra Gupta was then put and lost.

The motion that a sum of Rs. 12,36,000 be granted for expenditure under the head "35.—Industries" was then put and agreed to.

37.—Miscellaneous Departments.

MEMBER in charge of DEPARTMENT of FINANCE (MISCELLANEOUS) (the Hon'ble Mr. A. Marr): On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 2,00,000 be granted for expenditure under the head "37.—Miscellaneous Departments."

Sir, the two main items under this head are the provisions for the Factory Inspectorship and the Smoke Nuisance Commission. The provisions under these two heads follow the revised estimate of previous years. The only other main item under this head was the provision for the Rent Controller's office. As the post of Controller has been abolished, no provision has been made for it this year.

The motion was put and agreed to.

41 and 60.—Civil Works.

MINISTER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble Sir Provash Chunder Mitter): On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 1,07,15,000 be granted for expenditure under the head "41.—Civil Works" and "60.—Civil Works—Not charged to Revenue."

Sir, the Bengal Financial Statement explains the whole position as regards the Civil Works Budget. They affect various departments which have formed this budget. I only formally move the motion.

(At 4-15 P.M. the Council was adjourned, and it reassembled at 4-25 P.M.)

Mr. K. C. RAY CHAUDHURI: I want to bring to your notice that according to your decision the Budget debate will close at a quarter past five. There will be no chance for me to move my motion under "Stationery and Printing." This motion was tabled last year but was guillotined for want of time; the same thing is happening this year.

Mr. PRESIDENT: You are mistaken, the debate will close at 5.

Mr. K. C. RAY CHAUDHURI: May I have a little time to move my motion.

Mr. PRESIDENT: I am afraid I cannot allow you to do so unless your amendment is reached before the allotted time.

Babu Amarendra Nath Ghose moved that the demand of Rs. 55,000 under the head "41 A.—Civil Works—Buildings (Reserved)" be reduced by Re. 1.

He spoke in Bengali.

Srijut NAGENDRA NATH SEN: I rise to support the motion just moved by my friend Babu Amarendra Nath Ghosh. The question of accommodation of witnesses either in Civil or Criminal Courts is a matter of great scandal. Absolutely no accommodation is provided anywhere. In Khulna the Civil Court buildings are going to be extended at a cost of a lakh of rupees, but there is absolutely no accommodation being provided for witnesses.

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): This motion refers to the demand of Rs. 55,000 under the head "41 A.—Civil Works—Buildings (Reserved)." My friends have been claiming that witness sheds should be constructed in certain places, but if that were done the cost would not fall under this head at all, but would fall under "Civil Works (Transferred)." The demand under "41 A.—Civil Works—Buildings (Reserved)" represents first of all a sum of Rs. 50,000 which is allotted year by year for carrying out minor construction works in the various Government Houses in Calcutta, Darjeeling, Dacca and Barrackpore, and Rs. 5,000 for certain educational buildings at Kurseong. I do not know whether this House desires me to explain further about these "Civil Works Buildings (Reserved);" if they do, I shall be very glad to do so; but if they do not, perhaps the mover will withdraw his motion.

I am afraid my friend has moved this motion under a misapprehension.

The motion of Babu Amarendra Nath Ghose was then, by leave of the Council, withdrawn.

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that the demand of Rs. 20,000 under the head "41.—Civil Works—For cross-roads and drains and roadside trees in Alipore Duars, Duars Road Division" be reduced by Rs. 15,000.

Before moving this motion I only wish to say that it is unfortunate that the Public Works Department, which is known as waste Department, we are forced to exercise the greatest economy in what we have to say; I shall be brief because the time at our disposal is not very long, and I wish to give an opportunity to Babu Naliniranjan Sarker to move his motion regarding the construction of the new Council Chamber.

I have formally moved this motion with a view to draw the attention of the Hon'ble Member in charge as to whether the expenditure of Rs. 20,000 for the purpose of cross-roads, drains and roadside trees in Alipore Duars, is so very necessary as to warrant its inclusion at a time when we are working under a deficit budget.

SECRETARY to GOVERNMENT, DEPARTMENT of REVENUE (Mr. W. H. Nelson): This item of Rs. 20,000 is part of a large scheme. I know the site most intimately, and I can assure you that cross-roads and drains are necessary. As regards roadside trees, it would be a pity to spoil the amenities of this new civil station by leaving out the trees.

The motion of Khan Bahadur Maulvi Azizul Haque was then put and lost.

The following motions were called but not moved:—

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 30,000 for construction of a residence for the Collector of Pabna under the head '41.—Civil Works' be reduced by Re. 1."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 25,000 under the head '41.—Civil Works for construction of three Munsiffs' residence at Manikganj be refused."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 18,700 under the head '41.—Civil Works for construction of two sets of Munsiffs' residence at Katwa' be refused."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 90,000 under the head '41.—Civil Works—Construction of Reserve Police Lines at Barisal' be refused."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 70,000 under the head '41.—Civil Works—Construction of buildings for the Police Lines at Bogra' be refused."

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that the demand of Rs. 24,100 under the head "41.—Civil Works—Improvement of Compound of Presidency College" be refused.

I mentioned the other day that when we were all students of the Presidency College, we found the compound was not so good as it is now, and it seems that this is rather a waste of money just now. We do not think that this is a very necessary item. We ought to wait until we have our budget squared up, and we have a surplus budget. In view of this, I move that this demand be refused.

SECRETARY to GOVERNMENT, DEPARTMENT of EDUCATION (Mr. J. H. Lindsay): With reference to this demand, there has recently been a certain amount of land acquisition for the Presidency College. At present the land is open on all sides; it is proposed to put a fence round it and to make it level and put it into proper order. Without the expenditure of this amount this land that has been acquired cannot be put into proper use.

The motion of Khan Bahadur Maulvi Azizul Haque was then, by leave of the Council, withdrawn.

The following motions were called but not moved:—

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 1,43,000 under the head '41.—Civil Works—Construction of Hostels for Ahsanulla School of Engineering' be reduced by Rs. 40,710."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 49,200 under the head '41.—Civil Works—Construction of Guru-Training School' be reduced by Re. 1.

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 34,000 under the head '41.—Civil Works for the realignment of the Buxa Forest Road' be refused."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 2,80,500 under the head '41.—Civil Works for the improvement of the Mainagari-Dupgari Road, etc.' be reduce by Rs. 80,500.

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 11,25,000 under the head '41.—Civil Works for P. W. D. Establishment' be reduced by Rs. 1,000.

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 87,09,000 under the head '41.—Civil Works' be reduced by Rs. 7,09,000."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 87,09,000 under the head '41.—Civil Works' be reduced by Rs. 1,000."

Babu NALINRANJAN SARKER: I beg to move that the demand of Rs. 87,09,000 under the head "41.—Civil Works" be reduced by Rs. 100.

In proposing this cut my object is to expose the wanton and unparalleled waste of public money by the Public Works Department which, it will be seen, eminently deserves its popular nick-name of public waste department.

It was in or about 1921 that Government of Bengal conceived the idea of erecting a building for the accommodation of the Bengal Legislative Council. The primary problem was that of a suitable design. We are aware that we have at least two European architects with eminent British qualifications in Government employ and with emoluments coming out of public revenue. These men were presumably found wanting and Government declared a prize for a competitive design. Mr. Greaves' design was accepted by Mr. H. Crouch, the Government Architect. In about 1925 Government decided to proceed with the project and arranged with the firm of Mr. Greaves to prepare detailed plans for a fee of 8½ per cent. on the total cost of the building. The accepted tender amounts to Rs. 19,28,000 and this fee, therefore, is Rs. 1,60,000. In addition to this the firm is to be paid passages for their representatives coming out to India and back. Apart from all this, Government, I understand, will have a clerk of works on a salary of Rs. 1,000 to Rs. 1,500 per month during construction.

A rough estimate was then made by Government amounting to about rupees twenty-five lakhs. This amount was somehow sanctioned by the Council and then it was sought to be increased by about rupees eight lakhs in order to decorate the building with stone facings. This, however, this Council very wisely turned down though without any idea that the provision of stone facing would have correspondingly increased the designer's fee.

When the increase was vetoed, Government, or to be precise, the Public Works Department, arranged with the firm of Mr. Greaves that another firm in England should prepare a detailed estimate of the cost of the building at a fee of about Rs. 40,000. Thus every possible pretext has been raised and availed of for transporting money from Bengal to Engand!

Nor is this all. The next movement is still more enlightening 8 or 10 firms or contractors have been invited to put in tenders for the construction of the building with a condition that the successful tender should deposit 25 per cent. of the cost of the building, in Government Promissory Notes amounting in this case to over rupees six lakhs, for the satisfactory fulfilment of the contract. It was further stipulated that 10 per cent. would be deducted from the values of bills as the work proceeded until such deductions accumulated to an additional sum of rupees one lakh. If these conditions were designed with a view to scare away the contractors, the object was greatly accomplished. I am not aware of the identity of the brainy officials who originated this scheme but I have no hesitation in commending them to the highest powers.

4-45 P.M.

However, they found out at the end that in spite of the ideal principal involved in their scheme it could not work and they reduced the percentage of deposit to 5 in place of 25, a climb down, indeed, for these headstrong officials! The other stipulations however, remained unaltered. Even after these changes, it was beyond the scope of many firms to undertake the work and ultimately five tenders were received. Thereafter a veil was drawn and it was lifted only the other day, with an announcement of the acceptance of one of the tenders. I have used the word veil quite deliberately. Contrary to all precedents and expectations no tenders were opened before the tenderers and the procedure followed, I understand, was that they were forwarded to the firm of Mr. Greaves. How the tenders stood and what Mr. Greaves' opinions were, none knows, except, perhaps, the Chief Engineer, Secretary and the nation-building Minister in charge.

Sir, the value of the accepted tender was Rs. 19,28,000. I am sure that the value of one of the tenders submitted by a firm as good as the one now accepted is Rs. 16,15,000. This lowest tender was, I understand, not accepted on the plea that its time for completion was four months longer. Thus for the sake of a four months during which time the Council might or might not be sitting, the department has thought fit to throw away the difference, namely, Rs. 3,11,000. Even if four months rent of the Town Hall be deducted the figure will stand at well over Rs. 3,00,000!

Thus it will be observed, that Government went to the luxury of calling for prize-designs costing the people Rs. 1,60,000 in designers' fee, plus Rs. 40,000 for the estimator's fee, plus passages, plus cost of keeping a clerk of works. On the top of it all a further Rs. 3,11,000 is being thrown away for no apparent reason whatsoever barring, perhaps, favouritism or the provision of employment for a certain section of the British unemployed at the cost of Bengal taxpayers? And stone

facing, which this House wisely vetoed, would have thrown away a further Rs. 68,000 in fees to Greaves' firm and for nothing.

But the Bengal ratepayers must be given no respite. There is now the contract for driving some fantastic piles in the soil which is standing as a solid piece of earth from at least the days of Mir Jafar. What the value of the contract is I cannot say, but it must be substantial enough for the kind acceptance of a British firm.

The reasons for obtaining outside help at every stage may be either a great burden of work in the department or its utter incapacity. In the absence of any great project of the department mentioned anywhere, one cannot help thinking that the true reason is incapacity. It is a wonder that not even two full-time European architects with high British qualifications appointed for the sole purpose of making designs are found capable of undertaking the work. They should either resign out of self-respect or the Government must retire them as they can serve no purpose. The estimators in the three offices of the Executive Engineer, Superintending Engineer and the Chief Engineer are equally incompetent to make an estimate of Rs. 25 lakhs. There is not a single junior Engineer even capable of undertaking the supervision of the work and we must have a clerk of works for the job while so many are practically sitting idle for want of work!

Thus has the patriotic Minister in charge of the department is, in his enthusiasm for building the nation, throwing away nearly 7 lakhs of rupees on a job of about Rs. 25 lakhs. Thus has he fostered Indian Industry by throwing Indian money to foreign firms behind closed doors. Thus have the Government in their philanthropic endeavour to safe-guard the interests of the dumb millions shipped these large sums away to the British firm. And a word about Public Works Department tenders. It is curious to observe that tenders in respect of minor works involving small amounts are called for publicly and accepted in the formal manner, the lowest tender being given preference when other conditions are satisfactory. In case of practically all major works of high value this wholesome procedure is invariably departed from and tenders, such as they are, are seldom given the just consideration that is their due. The former plan is resorted to in expressing the *bona fides* of the department, the latter undoubtedly to indulge in favouritism. When tenders are not publicly called for and are invited from selected constructors the presumption is that conditions are equal in respect of all the only point for consideration is the rate or amount of the tender. It is beyond all conception how the lowest tender in such a case is rejected and that even without any reason not to speak of a valid one.

Sir, the Back Bay and the Grand Trunk Canal are only typical of a whole class of schemes which are being instituted to-day in India. The King George Dock and the 80 feet lock are also very typical.

We need no uncommon insight, no rare imagination to realise the present psychology of the British Government in India. Unemployment in Britain to-day is a national danger of the first magnitude. The old staple industries are letting loose many of their workmen to swell the numbers of the unemployed. While their resuscitation is undoubtedly a far more intricate and complicated problem, the distress may be considerably alleviated by procuring for the British firms as much work as can now be created in India before the control of public administration slips from their hands. The case of the wagon industry is the most notorious and the most prodigious example. The Bally Bridge, the Howrah Bridge, to name a few only, in Bengal will give work which in their present position the British firms will value not a little. It is against this organised exploitation that we expect the Hon'ble Minister to take up a bold stand. If he has failed in that what pretensions can he have either to to represent the people or to serve their interests?

4-45 P.M.

The Hon'ble Sir PROVASH CHUNDER MITTER: I again find myself in a difficult position as I have to meet criticisms not based on facts. I may repeat once more the facts which, I believe, are well known to the House. Years ago and long before I took up the Ministry, a contract was entered into by the Government of Bengal and a certain Architect in England. As part of that contract that Architect has full power of choosing the contractors and settling other matters. Now if I had acted as Babu Naliniranjan Sarker wished me to act, what would have been the result? The result would have been that the Government of Bengal would have been liable to pay heavy damages. The tax-payers' money would not have been saved in any way whatsoever. Here again it is no doubt very convenient to make accusations against a Minister, and to accuse a Minister is something very congenial to my friends there. But there is a contract—a completed contract—and that contract has been given effect to. The consequence of a breach of contract is well known and so I do not think I shall take up the time of the Council by trying to meet my hon'ble friend's arguments in any detail.

Rai HARENDRANATH CHAUDHURI: Was the tender accepted when the Hon'ble Sir P. C. Mitter was in office or not?

The Hon'ble Sir PROVASH CHUNDER MITTER: One of the terms of the contract was that even the tenders were to be opened by the Architect in England.

The motion of Babu Naliniranjan Sarker was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Promotha Nath.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Bose, Babu Bejay Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Dutt, Babu Saral Kumar.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Babu Satyendra Chandra.
Gupta, Mr. Jogesh Chandra.
Haque, Khan Bahadur Maulvi Azizul.
Karim, Maulvi Abdul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur.
Raikat, Mr. Prosanna Deb.
Ray, Babu Radha Gobinda.
Ray, Dr. Kumud Sankar.
Ray, Babu Manmatha Nath.
Roy, Mr. D. N.
Sarker, Babu Naliniranjan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Suhrawardy, Mr. H. S.

NOES.

Abbott, Mr. E. G.
Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Casselis, Mr. A.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Cohen, Mr. D. J.
Day, Mr. S. C.
Grummond, Mr. J. C.
Dutt, Mr. C. S.
Ghose, Mr. M. C.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Lindsay, Mr. J. H.
Luke, Mr. N. R.
MacBean, Mr. J. A.
Macdonald, Mr. A.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Prevash Chunder.
Moberly, the Hon'ble Mr. A. N.
Nelson, Mr. W. H.
Parratt, Mr. P.
Phelps, Mr. Trevar J.
Prentice, Mr. W. C. R.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sachse, Mr. P. A.
Sarbadhikari, Dr. Sir Deva Prasad.
Sarker, Rai Sahib Rebati Mahan.
Skinner, Mr. S. A.
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 36, and the Noes 44, the motion was lost.

5 P.M.

(At this stage the allotted time in connection with the demands for grants was reached.)

The motion that a sum of Rs. 1,07,15,000 be granted for expenditure under the head "41.—Civil Works" and "60.—Civil Works—Not charged to Revenue," was then put and agreed to.

The following motion failed:

Babu NALINIRANJAN SARKER: "That the demand of Rs. 7,50,000 under the head '60.—Civil Works not charged to revenue—Construction of a new Council Chamber of the Bengal Legislative Council at Calcutta' be reduced by Rs. 100."

43.—Famine Relief and Insurance.

The following motion was then put and agreed to:—

"That a sum of Rs. 2,50,000 be granted for expenditure under the head '43.—Famine Relief and Insurance."

The following motions failed:—

Maulvi SHAMSUR-RAHMAN: "That the demand of Rs. 2,50,000 under the head '43.—Famine Relief and Insurance (Reserved)' be reduced by Rs. 100 (on the ground that the Famine Code requires immediate revision)."

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 2,50,000 under the head '43.—Famine Relief and Insurance' be reduced by Re. 1."

Babu SARAL KUMAR DUTT: "That the demand of Rs. 2,50,000 under the head '43.—Famine Relief and Insurance (Reserved)' be reduced by Re. 1."

45.—Superannuation and 45A.—Commutation of Pensions financed from Ordinary Revenue.

The following motion was then put and agreed to:—

"That a sum of Rs. 46,25,000 be granted for expenditure under the heads '45.—Superannuation and 45A.—Commutation of pensions financed from Ordinary Revenue."

The following motion failed:—

Babu NALINIRANJAN SARKER: "That the demand of Rs. 4,10,000 under the head '45A.—Commutation of pensions financed from Ordinary Revenue' be reduced by Rs. 100."

46.—Stationery and Printing.

The following motion was then put and agreed to:—

"That a sum of Rs. 20,53,000 be granted for expenditure under the head '46.—Stationery and Printing."

The following motions failed:—

Mr. K. C. RAY CHAUDHURI: "That the demand of Rs. 20,53,000 under the head '46.—Stationery and Printing' be reduced by Re. 1 (to draw attention to the fact that a few employees of the Government Printing Press at Alipore have been dismissed without sufficient grounds)."

Mr. K. C. RAY CHAUDHURI: "That the demand of Rs. 20,53,000 under the head '46.—Stationery and Printing' be reduced by Re. 1 (to draw attention to the fact that a number of piece-workers have not been made permanent.)"

Mr. K. C. RAY CHAUDHURI: "That the demand of Rs. 20,53,000 under the head '46.—Stationery and Printing' be reduced by Re. 1 (to draw attention to the attitude of the Superintendent of the Press to employees who are members of a Trade Union)."

Babu AKHIL CHANDRA DATTA: "That the demand of Rs. 20,53,000 under the head '46.—Stationery and Printing' be reduced by Re. 1."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 20,53,000 under the head '46.—Stationery and Printing' be reduced by Re. 1."

47.—Miscellaneous.

The following motion was then put and agreed to:—

"That a sum of Rs. 4,02,000 be granted for expenditure under the head '47.—Miscellaneous."

Expenditure in England.

The following motion was then put and agreed to:—

"That a sum of Rs. 6,36,000 be granted for expenditure under the head 'Expenditure in England."

Loans and Advances.

The following motion was then put and agreed to:—

"That a sum of Rs. 17,68,000 be granted for expenditure under the head 'Loans and Advances,"

GOVERNMENT BILL.

The Bengal Village Self-Government (Amendment) Bill, 1928.

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Provash Chunder Mitter): This Bill as I have explained before is merely an enabling Bill. It allows Union Boards to pool their resources for the purpose of activities like primary education, veterinary dispensaries and ordinary dispensaries. The present motion is a motion for referring the Bill to a Select committee, so I formally move that the Bengal Village Self-Government (Amendment) Bill, 1928, be referred to a Select Committee consisting of—

(1) Mr. R. N. Reid;

(2) Mr. J. G. Drummond;

(3) Mr. W. L. Travers, C.I.E., O.B.E.;

(4) Maharaj Kumar Sris Chandra Nandy;

(5) Maulvi Syed Abdur Rauf;

(6) Mr. Altaf Ali;

(7) Srijut Taraknath Mukerjea; and

myself with instructions to submit their report for presentation to the Bengal Legislative Council as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

In this connection I beg to mention that we have written to Khan Bahadur Maulvi Muhammad Ismail but have as yet got no reply and Babu Amarendra Nath Ghose has intimated his unwillingness to serve on the select committee. So I omitted their names.

Maulvi ABUL KASEM: I beg to move that in this motion, after the name "Srijut Taraknath Mukerjea," the following names be inserted, namely:—

Maulvi Shamsur Rahman; and

Khan Bahadur Maulvi Azizal Haque.

The Hon'ble Sir PROVASH CHUNDER MITTER: I am willing to accept the amendment.

The motion of Maulvi Abul Kasem was put and agreed to.

The following motion was then put and agreed to:—

"That the Bengal Village Self-Government (Amendment) Bill, 1928, be referred to a Select Committee consisting of—

(1) The Hon'ble Sir Provash Chunder Mitter, Kt., C.I.E.;
(2) Mr. R. N. Reid;
(3) Mr. J. G. Drummond;
(4) Mr. W. L. Travers, C.I.E., O.B.E.;
(5) Maharaj Kumar Sris Chandra Nandy;
(6) Maulvi Syed Abdur Rauf;
(7) Mr. Altaf Ali;
(8) Srijut Taraknath Mukerjea;
(9) Maulvi Shamsur-Rahman; and
(10) Khan Bahadur Maulvi Azizul Haque;

with instructions to submit their report for presentation to the Bengal Legislative Council as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five."

Adjournment.

The Council was then adjourned till 3 P.M. on Wednesday, the 28th March, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 28th March, 1928, at 3 P.M.

Present:

The Hon'ble the President (RAJA MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers and 96 nominated and elected members.

Government Business.

Resolution

(on matters of general public interest).

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Sir, In view of the fact that different groups in the House have approached Government to postpone discussion of the resolution standing in my name, and also in deference to the wishes of members of this House, to give them sufficient time to consider this question, Government have decided to withdraw the resolution for the present, and therefore I do not move it. (Applause.) But I beg to say that Government will bring forward the resolution at the earliest opportunity in the next session of the Council.

The following resolution was therefore not moved:—

"This Council recommends to the Government that steps be taken to give effect to the proposal of the Statutory Commission that a Committee of the Legislative Council be appointed to assist the Commission."

The following amendments to the above motion failed:—

"**Babu NALINIRANJAN SARKER and Rai HARENDRA NATH CHAUDHURI** to move, by way of amendment, that the consideration of the resolution be postponed *sine die*."

"**Maulvi ABDUL KARIM, Mr. H. S. SUHRAWARDY and Maulvi A. K. FAZL-UL-HUQ** to move, by way of amendment, that the consideration of the resolution be postponed till the next session of the Council."

"**Maulvi TAMIZUDDIN KHAN** to move, by way of amendment, that the following be added to the resolution, namely:—

'and that the Committee be appointed by election by the elected members of this Council who are in favour of the formation of such Committee.'"

Prorogation.

Mr. PRESIDENT (the Hon'ble Raja Manmatha Nath Ray Chaudhuri, of Santosh): I have it in command from His Excellency the Governor to announce that the Bengal Legislative Council stands prorogued.

B. G. Press—21-4-1928—31M —1,200—R. D'E. and others.

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TO

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

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